

GOVERNMENT (LOCAL) COMMENTS (GL)

GL1

GL1 (Continued)



CITY OF FOUNTAIN VALLEY

www.fountainvalley.org

10200 SLATER AVENUE • FOUNTAIN VALLEY, CA 92708-4736 • (714) 593-4400, FAX (714) 593-4498

August 12, 2013

Smita Deshpande, Branch Chief
Caltrans District 12
Attn: I-405 SDEIR-EIS Comment Period
2201 Dupont Drive, Suite 200
Irvine, CA 92612

RE: I-405 SDEIR-EIS Comment Period

Dear Ms. Deshpande:

Since the City's last comment submittal on July 17, 2012, regarding the I-405 DEIR-DEIS, the City Council of Fountain Valley adopted Resolution No.: 9375 on July 17, 2012, supporting Alternative No. 2 of the I-405 Improvement Project (attached).

Since the adoption of that resolution, there have been two additional alternatives or concepts introduced by OCTA: 1) Concept A, which is Alternative 2 with conversion of the existing HOV lane to a single HOT lane and, 2) Concept B, which is essentially Alternative 2 in its entirety except the second NB lane is truncated at Valley View. The City finds Concept B to be consistent with the goals of Alternative 2 and the City supports it.

The following comments are in addition or are amendments to the City's previous comment letter dated July 17, 2012.

Right-of-Way Impacts

The City requests that the efforts underway to eliminate the braided ramp design at the Warner/Magnolia south side interchange continue in favor of a condition similar to existing to avoid the need for full takes of property.

As noted above, this letter is additional comments to our original DEIR-DEIS letter and as such make note of the on/off ramp at Warner/Magnolia north side of the freeway. It is proposed that a braided on/off ramp be built. We believe the DEIR did not adequately describe the project magnitude and its impacts on noise, privacy, and aesthetics to the adjacent properties on Daisy Avenue. The City is greatly concerned regarding impacts to these properties.

Sincerely,


Raymond H. Kromer
City Manager

Attachment

c: City Council
Director of Public Works/City Engineer
Planning Director

RESOLUTION NO. 9375

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN VALLEY SUPPORTING ALTERNATIVE NO. 2 OF THE I-405 IMPROVEMENT PROJECT

WHEREAS, the Orange County Transportation Authority (OCTA) in association with the State of California Department of Transportation (Caltrans) and the cities adjacent to the I-405 Freeway Corridor between the SR-73 and I-605 freeways, has been working on the I-405 Freeway Improvement Project; and

WHEREAS, Alternative No. 2, which adds two general purpose lanes in each direction, provides the greatest transportation benefit to the residents, businesses, and community of the City of Fountain Valley by providing the greatest travel time savings and vehicle capacity in the general purpose lanes; and

WHEREAS, Alternative No. 2 provides the greatest level of benefit to the entire I-405 Corridor, all cities along the corridor, and all users of the I-405 corridor without converting existing lanes to toll lanes and requiring the paying of tolls; and

WHEREAS, Alternative No. 2 has less right-of-way impacts to properties within Fountain Valley and other cities along the I-405 corridor than Alternative No. 3; and

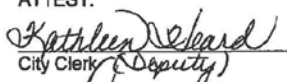
WHEREAS, the City does not support the imposition of tolls for any portion of the I-405 Improvement Project as are included in Alternative No. 3; and

WHEREAS, the City agrees with OCTA that this is possibly the only chance in decades to make improvements to the I-405 corridor between SR-73 and I-605 and because of that rare opportunity the socially, economically, and politically responsible action is to provide for the greatest transportation improvements able to be constructed that best utilize taxpayer funds without requiring motorists to pay tolls to use portions of the improvements constructed

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fountain Valley hereby affirms its support for the I-405 Freeway Improvement Project Alternative No. 2 as the superior and responsible transportation improvement alternative for the I-405 corridor from SR-73 to I-605.

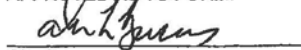
PASSED and ADOPTED this 17th day of July, 2012.

ATTEST:


Kathleen Deard
City Clerk (Deputy)


Mayor

APPROVED AS TO FORM:


City Attorney

GL1 (Continued)

GL2

VOTE

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF FOUNTAIN VALLEY)

I, Kathleen Heard, Deputy City Clerk of the City of Fountain Valley, do hereby certify that the foregoing Resolution was adopted at the Council meeting held on July 17, 2012 by the following vote, to wit:

AYES: CRANDALL, NAGEL, VO, MCCURDY, COLLINS
ABSENT: NONE
NOES: NONE


Kathleen Heard, Deputy City Clerk



CITY OF LONG BEACH

DEPARTMENT OF PUBLIC WORKS
333 West Ocean Boulevard 9th Floor • Long Beach, CA 90802 • (562) 570-6331 • Fax (562) 570-7181

August 12, 2013

Smita Deshpande
Branch Chief
Caltrans District 12
2201 Dupont Drive, Suite 200
Irvine, CA 92612

SUBJECT: Supplemental Draft Environmental Impact Report / Environmental Impact Statement for the San Diego Freeway (I-405) Improvement Project. (SCH No. 2009091001)

Dear Ms. Deshpande:

The City of Long Beach ("City") appreciates the opportunity to review the Supplemental Draft Environmental Impact Report / Environmental Impact Statement for the San Diego Freeway (I-405) Improvement Project. The City respectfully submits the comments provided in this letter and three attachments for consideration.

On behalf of the City, Iteris, Inc. was contracted to conduct a review of the SDEIR / EIS document. Iteris' written technical review, dated June 28, 2013, is attached hereto and incorporated herein by this reference. 1

As a Participating Agency for the project, the City is disappointed that issues identified and submitted in writing by the City in response to the Draft Supplemental Traffic Study for the project were not addressed in the SDEIR / EIS document. The City's letter dated April 24, 2013, is attached hereto and incorporated herein by this reference. 2

In response to the Draft Supplemental Traffic Study for the project, the City requested that the SDEIR / EIS document be circulated for public comment only after key Los Angeles County agencies, including Caltrans District 7, Los Angeles Metropolitan Transportation Agency, Gateway Cities Council of Governments and the City have concurred that the scope of the proposed mitigating measures is feasible, how the mitigating measures will be funded, and what agency will be responsible for the implementation of each of the individual mitigating measures. Despite the City's request, the document has been circulated for public comment, without concurrence from any of these key Los Angeles County agencies. 3

GL2 (Continued)

SDEIR – DEIS I-405 Improvement Project
August 12, 2013
Page 2

Furthermore, the City of Long Beach does not concur with all of the proposed mitigating measures. For example, the proposed mitigation measure at the SR-22 and Studebaker Road interchange removes recently completed improvements at the intersection of the eastbound SR-22 off ramp to Studebaker Road and College Park Drive (the sole means of egress from the neighborhood of College Park East) and creates a potentially unsafe back-up of queued traffic on the off ramp and most certainly on to the freeway. Another example is the proposed mitigation measure at 7th Street and Bellflower Boulevard which requires the acquisition of federal land and thus has questionable feasibility. In response to the study's proposed mitigating measures, City traffic engineers have developed alternative traffic mitigation measures that do not create unsafe back-ups or require the acquisition of additional right-of-way. These alternatives, labeled as the Preferred Mitigation Program, are attached hereto and incorporated herein by this reference.

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The City strongly rejects the proposed, or lack of a defined, funding approach for the implementation of traffic mitigation measures. The City views the project as a Caltrans', or State, project in Orange County and expects that the State and Orange County will fully fund and implement all traffic flow improvements required to mitigate adverse traffic impacts within Long Beach. The SR-22, or more commonly known as 7th Street in Long Beach, is a State owned and operated facility east of Pacific Coast Highway. This State facility currently operates at "Level of Service" F during peak traffic periods. Traffic impacts caused by the State's project designed to accommodate future traffic growth in Orange County further degrades the level of service on this key regional roadway providing access to Long Beach. Any degradation in traffic operations along 7th Street is unacceptable to the City.

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A total of ten mitigating measures located within City limits are proposed depending on the project alternative chosen. These proposed mitigating measures have an estimated total construction cost of \$5.4 million. Given the project's estimated total construction cost range of \$1.3 - \$1.7 billion, the estimated total construction cost of all of the mitigating measures represent less than one-half of one percent of the total estimated construction cost of the project. The City is particularly concerned that the study does not commit Caltrans to fund or construct any of the mitigating measures identified.

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On July 16, 2013, the City Council acted to direct the City Manager to assure measures to mitigate traffic impacts within City limits are sufficient to fully mitigate the impacts, assure measures to mitigate traffic impacts located on State right-of-way and within City limits are 100% funded and performed by the project proponents, and to be prepared to take immediate legal action if necessary to protect the City's interests.

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GL2 (Continued)

SDEIR – DEIS I-405 Improvement Project
August 12, 2013
Page 3

The City of Long Beach looks forward to working with Caltrans and the Orange County Transportation Authority to resolve the outstanding issues identified in this comment letter. However, please be advised that the City is prepared to take immediate legal action against the project if the project proponents do not fully fund and perform all improvements required to mitigate adverse traffic impacts with Long Beach.

7
cont.

Sincerely,



David Roseman
City Traffic Engineer

Attachments: (1) City of Long Beach letter in response to the draft Supplemental Traffic Study Report for the DEIR / EIS document (April 24, 2013)
(2) Iteris, Inc.'s summary of review of the SDEIR / EIS document (August 7, 2013)
(3) City of Long Beach revised mitigating measures (August 12, 2013)

CC: Ara Maloyan, Acting Director of Public Works
Tom Modica, Director of Government Affairs & Strategic Initiatives
Amy Bodek, Director of Development Services
Michael Mais, Assistant City Attorney
Doug Failing, Executive Director, Highway Programs, Los Angeles Metropolitan Transportation Authority
Richard Powers, Executive Director, Gateway Council of Governments
Niall Barrett, Project Manager, Orange County Transportation Authority

GL2 (Continued)



August 7, 2013

David Roseman
City Traffic Engineer
City of Long Beach
333 W. Ocean Boulevard
Long Beach, CA 90802

Re: Review of Caltrans "San Diego Freeway (I-405) Improvement Project SR-73 to I-605 Supplemental Traffic Study Report Long Beach Area"

Dear Mr. Roseman,

Iteris, Inc. has completed an initial review of the San Diego (I-405) Freeway Improvement Project SR-73 to I-605 Environmental Impact Report/Environmental Impact Statement Supplemental Traffic Study Report Long Beach Area (June 2013). Our comments are focused on the new information that is presented in the Supplemental Study.

As stated in the Supplemental Study, "the traffic information is the evaluation of the traffic changes in the Long Beach area along SR-22/7th Street, I-405 and I-605, at their local interchanges, and at nearby intersections due to the proposed build alternatives. The study area includes Carson Street in the vicinity of I-605 which, in addition to the City of Long Beach, includes Cities of Lakewood and Hawaiian Gardens. The objective of this evaluation is to determine the extent of any potential adverse cumulative effects of the proposed project alternatives north of the limits of the proposed capacity improvements."

The comments within this letter focus on the major findings of the supplemental study but do not address all of the detailed numerical analysis in this large study nor do they address the specifically proposed mitigation measures or feasibility of potential mitigation measures. We suggest that a comment be made by the City to the effect that the City will continue to review the details of the mitigation proposals for appropriateness, feasibility, right of way impacts and other issues. While it is recommended that a more comprehensive review of the "proposed measures" and possible right of way impacts be conducted by the City, even that analysis may be premature and inadequate since it is likely that the growth impacts on Long Beach intersections are underestimated. The specific comments are provided below.

Comments:

- Arterial Segment and Intersection Analysis Missing - The supplemental study area focuses exclusively on the intersections directly adjacent to the I-405 at several arterials and at I-605 (Spring/Cerritos and Carson Street) and at the arterial interchanges as well as along SR-22/7th Street. Thus, the supplemental study only covers ramp terminus intersections directly adjacent to the freeway and along SR-22/7th Street and does not include any arterial roadway segments leading to and from I-405. Thus, no other study intersections were included along other potential freeway bypass or alternate routes that could also be impacted by the project as a result of traffic using various routes within Long Beach to avoid freeway congestion that will result from the project. A review of the OCTAM model run traffic assignment plots provided by the project team, as well as review of independent model runs conducted for the City of Long Beach using the Gateway Cities traffic model (created for the SR-91/I-605/I-405 Congestion Hot Spots Feasibility Study) showed that several other arterial routes would experience increases in traffic volumes due to the project which may be significant. Those include Palo Verde Avenue north of I-405, Studebaker Road north and south of I-405, Bellflower Boulevard north and south of I-405, Atherton Street and Los Coyotes Diagonal. Without analysis of the project related traffic flow on these arterials, the supplemental impact analysis is incomplete. The freeway analysis for both Year 2020 and Year 2040 indicate that the freeway level of service for the I-405 in Long Beach will be essentially LOS E and F at all weaving segments

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I-405 Improvement Project EIR/EIS Supplemental Study
Comments, August 7, 2013

and also LOS E and F at many of the mainline segments, thus considerable by-pass and alternative route traffic would be expected on these other city arterials as opposed to only at the arterial ramp interchange intersections that were studied.

8
cont.

- Use of OCTAM Model - Traffic Forecasts were prepared using the same methodology as the original EIR traffic study, namely via the application of the OCTAM model of the Orange County Transportation Authority (OCTA) and for the year 2020 and 2040. In Los Angeles County and the City of Long Beach, the OCTAM model may not yield the correct estimates of project traffic impacts due to the fact that OCTAM is a tool designed for planning studies in Orange County and it was primarily validated within Orange County. While it is not unusual or inappropriate to use the County's model for purposes of forecasting, it is important to note that the results may be different using a model that is more accurate within Los Angeles County.

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- Supplemental Study does not use City of Long Beach Standards or methods - Highway Capacity Manual (HCM) methodology was used for both freeway and arterial level of service calculations. The City of Long Beach applies the Intersection Capacity Utilization method for arterials, thus the results may differ due to the use of HCM at intersections. While it is not unusual or inappropriate to use one set of standards in and EIR, it is important to note that the results may be different using the City's methods.

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- No clear determination of significant impacts - The traffic study states on page 1-2 that "adverse cumulative effects are evaluated through application of professional judgment to changes in level-of-service (LOS) and volume-to-capacity ratios. For future conditions, the v/c ratio is the demand-to-capacity ratio, where the demand volume is used." Typically cumulative impacts and also project impacts are based on a clearly stated and approved scale upon which the project or cumulative impacts can be measured. Thus, a certain change in v/c or d/c due to the project or cumulative condition can then be declared to the public as a significant impact, and anything less would not be a significant impact. Without this type of impact measurement scale, the public and decision makers cannot be expected to understand what is or is not a significant impact. Also, when the determination of impact is left to "professional judgment" the resulting findings and conclusions will likely differ from one professional planner/engineer to another and cannot be relied upon for determination of environmental significance.

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- Similar to the prior comment, the Supplemental EIR also states on page S-2 that "it was determined that the proposed build alternatives would have project contributions to adverse cumulative effects on California Department of Transportation (Caltrans) and City of Long Beach intersections that were not previously considered within the May 2012 Draft EIR/EIS. Project contributions to adverse cumulative effects are evaluated through applications of professional judgment to changes in level-of-service (LOS) and volume-to-capacity (V/C) ratios." As noted, "professional judgment" can vary from person to person and is not an acceptable method to evaluate the results of a quantitative study that is based on traffic engineering and planning models and analysis.

- Unclear terminology for public and decision makers - Improvements that would mitigate impacts (called "effects" in the documentation) are labeled as "proposed measures" or "traffic measures to address the project contributions to adverse cumulative effects". It is unclear how this terminology compares to typical terminology used under traffic studies conducted to satisfy the California Environmental Quality Act (CEQA) that address "significant impacts" and "mitigation measures." Under CEQA, significant impacts are based on technical analysis and comparison against standardized scales to determine whether the level of impact is significant, and if significant, the mitigation measure must be implemented before the project can be constructed. It is unclear if the "proposed measures" are being committed to prior to project implementation.

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GL2 (Continued)



I-405 Improvement Project EIR/EIS Supplemental Study
Comments, August 7, 2013

- Fair Share estimates appear in accurate - The documents have a "fair share percentage calculation" which is based on Caltrans Guide for the Preparation of Traffic Impact Studies. The formula basically calculates a fair share contribution which is based on the project traffic added divided by the total traffic added. Thus the project is responsible for its own incremental share of total growth. This is a reasonable method to calculate a fair share estimate of cost. However, we question some of the numerical traffic growth data that has gone into the formula, as described below.
 - Cumulative growth rates in City of Long Beach not accurate - The fair share contribution by the project seems low at several locations. A review of Appendix B-3 shows that several of the intersections are shown to have total growth rates in traffic of up to 48 percent in one case (SR-22 WB Ramp/College Park Drive). Within the three scenarios, six locations have total growth rates of over 30 percent and four over 40 percent. Several more show total growth of over 20 percent. When taking out the estimated project incremental share and looking at "cumulative only" growth, the growth rates are still very high at many locations, with one location over 40 percent, six over 30 percent and two over 20 percent. The recently published and publicly circulated City of Long Beach Mobility Element of the City of Long Beach General Plan shows a growth in population of 15.5 percent to year 2035 and employment growth of less than ten percent to year 2035. Accounting for the likely future reduction in trip generation due to TDM, active transportation, transit and other measures, it is likely that that cumulative traffic growth due to the City of Long Beach growth in population and employment would be between ten to 15 percent and not greater. Thus, the very large cumulative growth rates as projected by the OCTAM model do not seem to be reasonable. If the total cumulative growth is in fact lower than stated in the study, then the project contribution would be proportionately higher and OCTA's fair share would be higher as well. If the cumulative growth is to be accepted, then it must be mostly attributed to regional growth that is essentially freeway by-pass traffic that would be the direct result of regional trips choosing to use Long Beach arterials rather than the congested Caltrans freeway facilities. Thus, most of the growth, even cumulative growth, is in fact directly related to changes in travel demand on the Caltrans system and not due to City growth patterns. Based on City of Long Beach growth projections, it is unlikely that background traffic growth due to City land use and socioeconomic changes would exceed 10 to 15 percent and there are no known major development projects in the study area that would cause the higher rates of cumulative growth as shown in the reports. In summary, overestimating cumulative growth and underestimating project increments, both may result in a fair share percentage that is too low and does not accurately reflect the responsibility for mitigation.
 - OCTAM may underestimate project increment - Appendix B-3 of the Supplemental EIR document provides the fair share percentage calculations and the traffic numbers used to estimate each intersection's fair share allocation due to the project. As part of past comments, we have noted that the Gateway Cities traffic model in some locations shows a higher growth in traffic due to the project increment than the OCTAM model. As noted previously, the Gateway Cities model has been more rigorously validated in Los Angeles County and is more detailed and accurate in Los Angeles County than OCTAM. Thus, the incremental project values from the Gateway Cities model, where they show significantly higher project traffic contributions in some locations, should be used. The prior comment regarding the potential underestimate of project incremental traffic using OCTAM still stands, and as a result the OCTA fair share at some locations may be underestimated.
 - Caltrans owns many of the facilities with "fair share" allocations - Many of the study intersections are along Caltrans-owned and operated facilities, including those along SR-22/7th Street as well as Pacific Coast Highway. At those facilities, the City of Long Beach would not be responsible for

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GL2 (Continued)



I-405 Improvement Project EIR/EIS Supplemental Study
Comments, August 7, 2013

funding or implementing improvements, thus the fair share allocation at these locations does not make sense as Caltrans would be responsible for bringing those facilities up to standard. It is unclear where the other "cumulative" funding would come from for any of the impact locations, but particularly for Caltrans locations it would logically come entirely from Caltrans. As this entire project is on a Caltrans facility, and impacts are caused by the Caltrans facility modifications, it seems that there should be dedicated funding for 100 percent of the cost for all intersections owned by Caltrans and that the other funding besides the fair share should not be left unresolved. That is true for six of the study intersections within the fair share calculation.

15
cont.

This concludes our summary of comments on the Supplemental Traffic Study Report Long Beach Area and the San Diego Freeway (I-405) Improvement Project Supplemental Draft EIR/EIS, dated June 2013. Please let us know if you have any questions or concerns. Iteris, Inc. would be happy to meet with City staff to discuss the results of the review.

Sincerely,

Gary Hamrick
Vice President
Transportation Systems
Iteris, Inc.

GL2 (Continued)

GL2 (Continued)



CITY OF LONG BEACH

DEPARTMENT OF PUBLIC WORKS

533 WEST OCEAN BOULEVARD • LONG BEACH, CA 90802 • (562) 570-6363 • FAX (562) 570-6012

April 24, 2013

Smita Deshpande
Branch Chief
Caltrans District 12
3347 Michelson Drive
Irvine, CA 92612

Subject: Draft Supplemental Traffic Study, Draft Environmental Impact Report /
Environmental Impact Statement (EIR/EIS) for the San Diego Freeway (I-405)
Improvement Project

Dear Ms. Deshpande:

This letter is to express the City of Long Beach's concerns related to the planned circulation of the supplemental environmental documentation related to the subject project. It is of primary importance to the City that our constituents are provided an opportunity to review and comment on traffic impacts caused by the project and the proposed improvements to be made to mitigate those impacts through the EIR/EIS process.

In a Technical Working Group meeting on February 13th, 2013, Caltrans and OCTA staff and consultants repeatedly used terminology other than "significant traffic impact" when referring to project related traffic impacts within the City of Long Beach that were identified in the supplemental study effort. At that same meeting, it was also suggested that "mitigation measures" were not project mitigation but traffic flow enhancements that could be addressed in an Environmental Commitment Report, a report I understand may not be subject to the public review process or be directly attributable to the project. Another alternative promoted at the meeting was to package the proposed "mitigation measures" in a separate project that would be separately funded. The City perceives these actions as an attempt to supplant the environmental process and thus creates significant cause for concern. To be perfectly clear, the City of Long Beach will not accept any such environmental alternatives short of including both the identification of "significant traffic impacts" and their associated "mitigation measures" within the EIR/EIS for the project.

To this end, the City respectfully requests that the supplemental environmental documentation to be released to the public:

1. Clearly describe in detail both the "significant traffic impacts" of the project within the limits of the City of Long Beach and the project's proposed "mitigation measures" to address those impacts.

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Smita Deshpande
Page 2 of 2

2. Be circulated only after all involved Los Angeles County agencies, including Caltrans District 7, Los Angeles County Metropolitan Transportation Agency, Gateway Cities Council of Governments, and the City of Long Beach have concurred that the description of the proposed "mitigation measures" are feasible, how those "mitigation measures" will be funded, and what agency will be responsible for the implementation of each of the individual "mitigation measures".

The City is also in receipt of recently proposed project "mitigation measures" developed by Caltrans District 7. It is my understanding that Caltrans District 12 is also in receipt of this same proposal and has provided its concurrence. The City is currently evaluating this new proposal and we intend to complete that review by May 17, 2013. At this point the City is unclear as to which "mitigation measures" Caltrans plans on including in the supplemental environmental documentation for the project; those "traffic enhancements" provided by OCTA's consultants or the "mitigation measures" identified by Caltrans District 7.

The City of Long Beach continues to look forward to working with Caltrans and OCTA staff to resolve the outstanding issues and concerns identified in this letter.

Sincerely,

David Roseman
City Traffic Engineer

Attachments

cc: Ara Maloyan, Director of Public Works
Amy Bodek, Director of Development Services
Michael Mais, Assistant City Attorney
Kathy Jensen, Ratan and Tucker
Niall Barrett, OCTA

GL2 (Continued)

CITY OF LONG BEACH

I-405 Improvement Project Preferred Mitigation Program



GL2 (Continued)

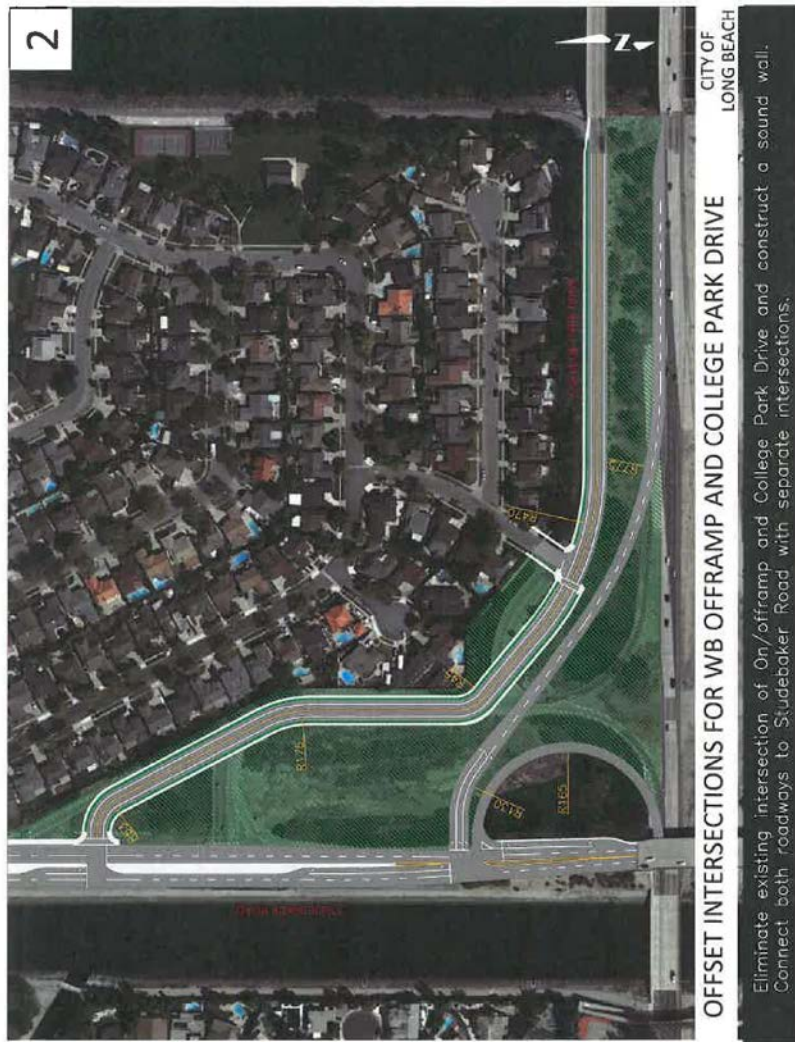
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I-405 Improvement Project Mitigation Measures Proposed in Response to Traffic Impacts within the City of Long Beach August 12, 2013

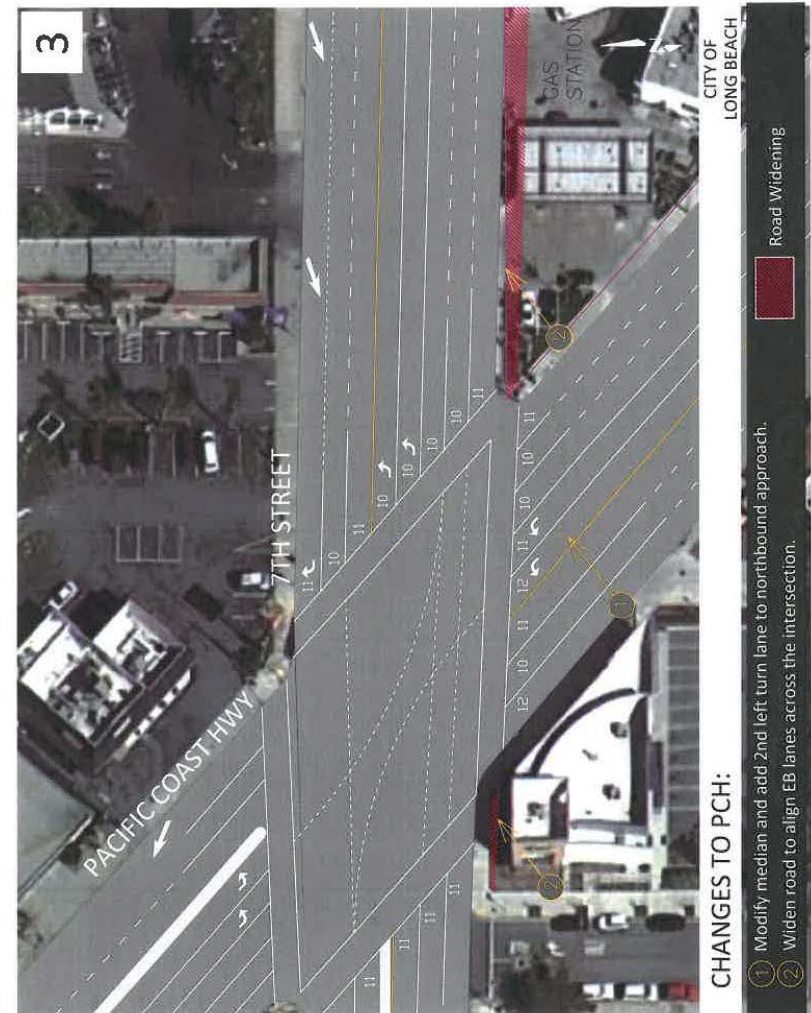
	Location	Owned By	Proposed Improvements	Alt 1	Alt 2	Alt 3	Rough Construction Estimate
2	SR-22 Westbound On/offramp and College Park Drive	Caltrans	<ul style="list-style-type: none"> Eliminate intersection of SR-22 on/offramp and College Park Drive. Create separate intersections where the On/offramp and College Park Drive intersect with Studebaker Road. 	X	X		\$3,500,000
3	7th Street and Pacific Coast Highway	Caltrans	<ul style="list-style-type: none"> Modify median and add 2nd left-turn lane to northbound approach. 	X	X	X	\$150,000
5	7th Street and Bellflower Boulevard	Caltrans	<ul style="list-style-type: none"> Widen 7th Street between PCH and Bellflower Boulevard. Modify median and refuge island on 7th Street, east of Bellflower and relocate signal masts. Add 2nd left-turn lane to eastbound and westbound approach. Align eastbound through lanes with their corresponding lanes east of Bellflower. 	X	X	X	\$1,500,000
9	7th Street and East Campus Drive	Caltrans	<ul style="list-style-type: none"> Extend eastbound left turn lane. 		X	X	\$25,000
10	7th Street and Channel Drive	Caltrans	<ul style="list-style-type: none"> Modify medians and add 2nd left-turn lanes to eastbound and westbound approaches. 	X	X	X	\$300,000

(Location numbers derived from Supplemental Traffic Report and District 7 reviews - Long Beach Area, March 2013)
The City of Long Beach has no comments for locations 1, 4, 6, 7, and 8; those locations are accepted as feasible.

GL2 (Continued)



GL2 (Continued)



GL2 (Continued)



CHANGES TO 7TH STREET:

- ① East of Bellflower:
Modifiy median & reconfigure north edge of the refuge island to accommodate 2nd left turn lane for WB vehicles.
- ② West of Bellflower:
Widen roadway to add 2nd left turn lane and align through lanes for EB vehicles.

CHANGES TO BELLFLOWER:

- ③ South of 7th:
Remove SB #3 through lane and add bike lane to connect CSULB to Long Beach Bike Route 16.

CITY OF
LONG BEACH

GL2 (Continued)



CHANGES TO 7TH STREET:

- ① Restripe left turn pocket on eastbound approach, lengthening from 160 feet to 300 feet.

CITY OF
LONG BEACH

GL2 (Continued)



GL3

CITY OF LOS ALAMITOS



Mayor:
Warren Kusumoto
Mayor Pro Tem:
Geri L. Graham-Meja
Council Members:
Troy D. Edgar
Dean Grota
Richard D. Murphy

August 12, 2013

VIA EMAIL: 405.Supplemental.Draft.EIR.EIS@parsons.com

Ms. Smita Deshpande
Caltrans-District 12,
"Attn: 405 DEIR-DEIS Comment Period"
2201 Dupont Drive, Suite 200
Irvine, CA 92612

Subject: Interstate 405 (I-405) Improvement Project Comments to Supplemental Draft Environmental Impact Report (EIR)

Dear Ms. Deshpande:

The City of Los Alamitos appreciates the opportunity to comment on the above mentioned document. The City of Los Alamitos has the following comments on the Interstate 405 Improvement Project between State Route 73 and Interstate 605 Supplemental Draft Environmental Impact Report/Environmental Impact Statement prepared by the State of California Department of Transportation (Caltrans) dated June 2013:

1. The proposed project does not address the needs of the small southerly stretch of the I-605 Freeway completely within Orange County before it terminates at the I-405 Freeway. This portion of the I-605 Freeway includes its interchange with Willow Street/ Katella Avenue and is under the jurisdiction of Caltrans District 12, which is the Lead Agency for the proposed project. While the I-605 Freeway is primarily in Los Angeles County and under the jurisdiction of Caltrans District 7, any future project for the I-605 Freeway by Caltrans District 7 does not guarantee that this small southerly stretch will be included in that project. Consequently, this small portion of the I-605 Freeway could be "forgotten" and may not be improved for long stretches at a time. In order to construct a comprehensive freeway system, the proposed project needs to include this small portion of the I-605 Freeway.
2. The Willow Street/Katella Avenue at I-605 Freeway interchange needs to be modernized to meet existing and future traffic demands. This interchange was constructed in the 1960s and used a clover-leaf design with short and compact weaving areas and challenging merge and diverge points. The increase of traffic volumes since the 1960s practically necessitates modernization of

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GL3 (Continued)

- the entire interchange, which may include the installation of additional traffic signals to control traffic movements. The proposed project should identify and evaluate measures to modernize the interchange. Any proposed improvements to this interchange should involve representatives from the City of Los Alamitos. 2 cont.
3. The Spring Street/Cerritos Avenue at I-605 Freeway interchange needs to be modernized to meet existing and future traffic demands. This interchange was constructed in the 1960s, but only with accommodations for southbound off-ramps and northbound on-ramps. The proposed project should identify and evaluate measures to modernize the interchange by adding the southbound on-ramps and northbound off-ramps. Any proposed improvements to this interchange should involve representatives from the City of Los Alamitos. 3
4. During the construction of the proposed project, drivers will seek alternative routes to avoid the construction work on the I-405 Freeway project as seen with the ongoing West County Connectors (WCC) project. Los Alamitos Boulevard and Katella Avenue through the City of Los Alamitos Boulevard will be used as alternative routes during construction of the proposed project and may need improvements prior to commencement of the proposed project. An evaluation is needed to identify potential traffic impacts during construction impacts of the proposed project. It would help relieve some of the diverted traffic onto City streets during construction of the proposed project. 4
5. Caltrans District 7, in conjunction with the Los Angeles County Metropolitan Transportation Authority (Metro) and Gateway Cities Council of Governments (COG), is currently evaluating the proposed SR-91, I-405, I-605 Corridors project and has preliminarily identified various traffic improvements to streets and intersections in the City of Los Alamitos, including the intersection of Los Alamitos Boulevard at Katella Avenue, that would be implemented with the SR-91, I-405, I-605 Corridors project. The City of Los Alamitos requests that the sponsors of this I-405 Improvement project in Orange County also commit to implementing these potential improvements identified in the SR-91, I-405, I-605 Corridors Project prior to commencement of the proposed project. It would help relieve some of the diverted traffic onto City streets during construction of the proposed project. 5

Interstate 405 (I-405) Improvement Project
Page 2 of 3

GL3 (Continued)

Pursuant to Public Resources Code Section 21092.5, we request that the lead agency provide the City of Los Alamitos with written responses to all comments contained herein prior to the adoption of the final EIR. Should you have any questions, please contact myself at the number below. 6

Sincerely,



Steven A. Mendoza
Community Development/Public Works Director

GL4



Patrick O'Donnell
City of Long Beach
Councilmember Fourth District

Smita Deshpande - Branch Chief
Caltrans - District 12
Attn: 405 SDEIR - DEIS Comment Period
2201 Dupont Drive, Suite 200
Irvine, CA 92612

Dear Ms. Deshpande:

Long Beach has had little to no input on the 405 Widening Project and now we're being told we will be paying for the impacts of an Orange County project. This is not acceptable.

The City of Long Beach was informed through the Supplemental Draft Environmental Impact Report (DEIR) that we would be held responsible for mitigation costs on state right-of-ways. On July 16, City Council voted unanimously to direct staff to work towards getting our concerns addressed, including but not limited to taking legal action.

We will continue to fight to protect our residents from impacts created by this project. Their streets and commutes will be affected and they should not be expected to pay the price.

Sincerely,

Patrick O'Donnell
Councilmember, Fourth District
City of Long Beach

333 West Ocean Boulevard • Long Beach • California 90802
Phone 562.570.6918 • Fax 562.570.5235
district4@longbeach.gov

GL5

From: Don Broun [donbroun@earthlink.net]
Sent: Monday, August 12, 2013 11:14 PM
To: Parsons, 405 Supplemental Draft EIR/EIS
Cc: gmmontana@rossmoor-csd.org
Subject: Fw: Rossmoor Response to SDIR/EIS and Proposed Toll Lanes

-----Forwarded Message-----

From: Chris Montana
Sent: Aug 12, 2013 8:15 PM
To: "donbroun@earthlink.net"
Subject: Rossmoor Response to SDIR/EIS and Proposed Toll Lanes

On behalf of the Community of Rossmoor, please include the following items below as Comments:

- (1) You Tube Link to Rossmoor residents' comments, and
- (2) Change.Org Link to petition by Rossmoor residents.

<http://youtu.be/aRGrcFkwFNM>

<http://www.change.org/petitions/caltrans-and-octa-remove-toll-roads-again-from-consideration-in-the-i-405-freeway-improvement-project>

Please include both of these items as "Comments" on the SDEIR/EIS as well as Proposed Toll Lanes included in the Concepts of Alternative 1.

Chris Montana

General Manager

gmmontana@rossmoor-csd.org
www.rossmoor-csd.org



Rossmoor Community Services District
3001 Blume Drive, Rossmoor, CA 90720
562.430.3707

"Designated the number one suburb in California and number nine in the nation"



GL6

From: Henry Taboada [htaboada@rossmoor-csd.org]
Sent: Monday, August 12, 2013 7:55 PM
To: Parsons, 405 Supplemental Draft EIR/EIS
Subject: RCSD Resolution-I-405 Improvement Project
Attachments: DOC017.pdf

This resolution is the RCSD's official statement during the EIR/EIS comment period.

Henry Taboada
External Affairs Consultant
562.430.3707

www.rossmoor-csd.org

Rossmoor Community Services District is located in the Community of Rossmoor in Orange County, California. Approximately 10,500 residents make their home in this unincorporated bedroom community located behind a signature brick wall situated between the cities of Seal Beach and Los Alamitos. The Special District of Rossmoor is governed by a five member Board of Directors, who are elected by the residents of Rossmoor and operates under the supervision of a General Manager. Rossmoor is known for its splendid urban forest, beautiful homes and strong family values.

3001 Blume Drive
Rossmoor, CA 90720

1

GL6 (Continued)

RESOLUTION NO. 13-07-22-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ROSSMOOR COMMUNITY SERVICES DISTRICT OPPOSING THE SCREENING OF CONCEPT A AND B HOT LANES AS OPTIONS TO THE PREVIOUSLY SELECTED PREFERRED ALTERNATIVE 1 TO THE I-405 IMPROVEMENT PROJECT

WHEREAS, the Rossmoor Community Services District (District) has previously taken an official position in favor of Alternative 1 and opposition to Alternatives 2 and 3.

WHEREAS, the District has had reliance on the vote of the Orange County Transportation Authority (OCTA) in selecting Alternative 1 which excluded High Occupancy Toll (HOT) lanes as the preferred Alternative in October of 2012.

WHEREAS, the District has been informed that a newly constituted Board of Directors of the OCTA voted in April 2013 to reconsider HOT lanes.

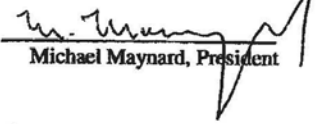
WHEREAS, the OCTA Board of Directors and the California Department of Transportation (Caltrans) has issued a Supplemental EIR/EIS which screens Concepts A and B and reintroduces the potential for HOT lanes.

WHEREAS, the District considers any variation to the I-405 Improvement Project other than Alternative 1 as detrimental to the well being of the Rossmoor community due to the impacts of traffic, noise and light and air pollution.

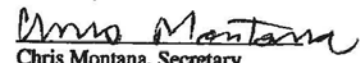
NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the Rossmoor Community Services District strongly opposes any deviation from the previously selected Alternative 1 which excludes HOT lanes.

PASSED, APPROVED AND ADOPTED this 22nd day of July, 2013.

BOARD OF DIRECTORS
ROSSMOOR COMMUNITY SERVICES DISTRICT

By: 
Michael Maynard, President

ATTEST:


Chris Montana, Secretary
Rossmoor Community Services District

2

GL7

GL7 (Continued)



ROSSMOOR COMMUNITY SERVICES DISTRICT
3001 BLUME DRIVE, ROSSMOOR, CA 90720 / (562) 430-3707 / FAX (562) 431-3710

July 17, 2013

Smita Deshpande, Branch Chief
Caltrans-District 12
2201 Dupont Dr. Suite 200
Irvine. CA 92612

Dear Ms. Deshpande:

I am writing on behalf of the Rossmoor Community Services District Board of Directors and the Rossmoor Community. Specifically we are formally requesting an extension of the I-405 Improvement Project EIR/EIS comment period which ends August 12, 2013.

Our reasons are this. We first heard about the Supplemental EIR/EIS at the OCTA Policy Working Group meeting on June 26, 2013. The District's representative, Director Ron Casey reported on this at his first opportunity at our July 9, 2013 Board meeting. It was an informational report not an action item since neither the staff nor the Board had previously been briefed on this matter.

Unfortunately, our next Board meeting is on August 13, 2013. This is the only opportunity for our Board to inform our community about the implications of the Supplemental document and to obtain feedback. It is also our only opportunity for the Board to take a formal position on this matter.

We respectfully request an extension of at least several days after our August meeting to submit comments. We would call for a Special meeting of our Board, were it not for summer vacation schedules of our Board members. Also we would need time to adequately inform our residents that this matter will be on our August Agenda for possible action.

Given the public interest on this issue and the accommodation which was made for the City of Long Beach, we believe that it serves our common interests to grant an extension. Rossmoor's residents should be able to provide input to their elected representatives and for our Board to take a formal position on their behalf.

Thank you for your courtesy in this regard. Please let me know as soon as possible so that I can inform my Board if this request will be honored. Enclosed is my business card with contact information should you have any questions. } 1 cont.

Cordially,

Chris Montana
Chris Montana
General Manager
RCSD

Cc: RCSD Board of Directors

GL8



ROSSMOOR COMMUNITY SERVICES DISTRICT
9001 BLUME DRIVE, ROSSMOOR, CA 90720 / (562) 430-9707 / FAX (562) 431-3710

July 24, 2013

Smita Deshpande
Branch Chief
Caltrans District 12
Attention DEIR/DEIS Comment Period
2201 Dupont Drive, Suite 200
Irvine, CA 92612

Dear Ms. Deshpande:

Based on your denial of the Rossmoor Community Services District's request for an extension of the I-405 comment period, the District's Board of Directors has adopted a Resolution opposing HOT lanes for the project. That Resolution and a Press Release on this development is attached for inclusion into the record.

The District is also pursuing other outreach measures with the Rossmoor community so that they get an opportunity to respond, as well. I cannot express strongly enough our disappointment at not receiving an extension, especially given our logistical limitations in this regard. We will, nonetheless, use whatever means to garner opposition to anything other than Preferred Alternative 1 for the project.

Please keep us informed of any new developments as you progress with a final decision on the scope of the project.

Cordially,

Chris Montana
Chris Montana
General Manager
RCSD

Cc: RCSD Board of Directors

Attachments

GL-9



CITY OF SEAL BEACH
PUBLIC WORKS DEPARTMENT
211 Eighth Street
Seal Beach, CA 90740

TRANSMITTAL

TO: Smita Deshpande, Branch Chief
Caltrans-District 12, "Attn: 405 SDEIR-DEIS
Comment Period"
2201 Dupont Drive, Suite 200
Irvine, CA 92612

SUBJECT: I-405 Improvement Project – Supplemental Draft EIR/EIS

WE ARE ENCLOSING:	THE FOLLOWING:	FOR:
<input type="checkbox"/> Under Separate Cover	<input type="checkbox"/> Letter	<input type="checkbox"/> Your Review
<input checked="" type="checkbox"/> Herewith	<input type="checkbox"/> Prints	<input type="checkbox"/> Your Approval
<input checked="" type="checkbox"/> Via Hand Deliver	<input type="checkbox"/> Specifications	<input type="checkbox"/> Your Information
	<input type="checkbox"/> Originals	<input type="checkbox"/> Your Files
	<input type="checkbox"/> Agreements	<input checked="" type="checkbox"/> Your Use
	<input type="checkbox"/> Drawings	<input type="checkbox"/> Your Signature
	<input checked="" type="checkbox"/> Other	<input type="checkbox"/> Your Revision

REMARKS: City of Seal Beach comment to Supplemental Draft EIR/EIS. Dated June 2013

Thank you,

If we may be of further assistance, please contact me at (562) 431-2527 ext. 1318

Sincerely, *Sean Crunby*
Sean Crunby
Assistant City Manager/Director of Public Works

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Attachment

- 1 California Department of Transportation, December 2012 Supplemental Traffic Study, December 2012
- 2 Correspondence from Jim Bell, OCTA Executive Director, June 25, 2013
- 3 Orange County Transportation Commission, High-Occupancy Vehicle Degradation Study Powerpoint, April 8, 2013
- 4 City of Long Beach, I-405 Freeway Improvement Project Letter and Memorandum, July 17-18, 2012
- 5 Kenneth A. Small and Chen Feng Ng, Optimizing Road Capacity and Type, June 1, 2013
- 6 City of Seal Beach, Studebaker Road/College Park Drive Alternative Street and Ramp Configuration, July 2013

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EXECUTIVE SUMMARY

June 2013 Supplemental Draft EIR/EIS

The City has completed its final review of the June 2013 Supplemental Draft EIR/EIS document for the I-405 Improvement Project and resulted with the following comments. The City is requesting an official response to, but not limited to, the below items and comments raised throughout this entire document.

1. The City provided a "Third Party Review Technical Comments (July 22, 2013 in response to the release of the June 2013 Supplemental Draft EIR/EIS. Provide an acknowledgement of receipt of said document. 1
2. The February 2013 Supplemental Traffic Study is referenced but could not located through OCTA's website or other document references. Provide or make available the 2013 Supplemental Traffic Study. 2
3. The report is not consistent in regards to which Supplemental Traffic Study is being referenced, Provide a reference consistent through-out the document which traffic study is being used as a reference, i.e.; December 2012, February 2013, March 2013, April 2013, and/or June 2013. 3
4. Provide a discussion "Why" each Supplemental Traffic Study was not circulated. The December 2012 Supplemental traffic Study was only circulated to the Technical Working Group and not to the Affected Orange County Corridor Agencies. 4
5. Since the City of Seal Beach was initially excluded from the Technical Working Group, the City of Seal Beach formally requests electronic copies of ALL Supplemental traffic Studies to post on its Website to solicit Community Comments in conformance with the CEQA/NEPA Program. 5
6. Provide or extend the Comment period for an additional 30 days to receive Public Comments in the Supplemental Traffic Study previously not provided. 6
7. The December 2012 Supplemental traffic Study provided detailed information on the impacts to the entire mainline project, interchanges, and intersections. The June 2013 only focusses on the impacts to the City of Long Beach intersection and interchanges. Provide or include the December 2012 Supplemental Traffic Study in the June 2013 Draft Supplemental EIR/EIS 7
8. In July of 2012, the City of Seal Beach provided written comments to the DEIR/s. The LEAD agency has not responded to the City comments. Provide written responses by the LEAD agency on the City of Seal Beach's July 2012 Comments. 8

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9. The purpose of the June 2013 Supplemental Draft EIR/EIS was to include "significant new information"; however, the document did not include: 1) OCTA's Board of Director's selected Alternative 1 as the Local Preferred Alternative, 2) Alternative 2 is not consistent with SCAG's current RTP or FTIP, and 3) Alternative 3 is not consistent with SCAG's RTP or FTIP. Provide a discussion in the Supplemental Draft EIR/EIS to address these issues. 9
10. The Air Quality Analysis is based upon "Vehicle Speeds" will increase. However, the mainline Level of Service is maintained as "F" for Alternative 2 and 3. In addition, LACMTA has performed a operational analysis for the SR-110/110 "110 Express Lanes Performance Update" which noted that "as traffic volumes have increased, the "average" GP (general purpose) lane speeds have declined". Update the Air Quality Analysis based upon the traffic Level of Service and the LACMTA. 10
11. The June 2013 Supplemental EIR/EIS does not address the impacts of public transportation ridership to any of the three alternatives (Alternative 1, Alternative 2, and Alternative 3) in conformance with California Vehicle Code Section 21655.5(a). Provide an analysis and impacts to the level of service for the mainline freeway system and comparative analysis for toll revenue impacts. 11
12. An HOV 3+ efficiency discussion was not provided. Provide an analysis of the HOV 3+ policy compared to the Alternative 3 (HOTL) impacts to the general purpose lane, costs, and efficiency. 12
13. A travel Demand Management Program (TDM) was not fully discussed. References were made for bikeways and roadway efficiencies, but the recommended result was a payment to the City of Long Beach for mitigation. In conformance with FHWA's Federal Aid Highway Program Guidance, include TDM alternatives including fixed guideway, BRT's, park-n-ride facilities, multi-modal travel, and other non-traffic related opportunities comparison to the HOTL alternative. 13
14. The limits of the project impacts are confined to the County line on the north and SR-73 on the south. In addition, the project has not thoroughly investigated the users of the toll facility. Therefore, provide an origin and destination of the HOTL users to justify the need of the facility and determine where appropriate lane drops or HOTL facility should terminate. 14
15. The 2013 Supplemental Draft EIR/EIS does not conduct a concomitant analysis for the newly introduced traffic impacts for the Long Beach Area. Provide a detailed analysis of 15

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- the environmental impacts (air quality, water quality, noise..etc) for the introduced Long Beach intersections.
16. Reference material was not clearly demarcated. As an example, applicable page numbers or section numbers were not included in the Draft EIR/EIS or the Supplemental Draft EIR/EIS. Provide complete references for the Draft EIR/EIS and the Supplemental Draft EIR/EIS. It is also requested to be recirculated with this vital decision making information.
17. The Supplemental Draft EIR/EIS is predicated on new significant information; however, this information is very vague in its presentation and the analysis of the City of Long Beach Study. Provide a detailed listing of the significant information, and detailed environmental analysis of the City of Long Beach Traffic Study (prepared by Iteris).
18. In April of 2013 two new design Concepts were presented (Concept A and Concept B) to OCTA. These concepts represent new introduced information and were not included in the Supplemental Draft EIR/EIS. Provide an analysis for Concept A and Concept B in conformance with CEQA/NEPA determination.
19. A choke point will exist when all HOV(L) and General Purpose lanes terminate into the existing lanes at the County Line with Los Angeles. No additional analysis or mitigation measures are proposed for this condition or the cause and effect on Orange County Traffic along the 405 corridor. Provide a detailed analysis of the termini of the 405 at the county line to determine the operational and environmental characteristics impacts to the drivers and communities.
20. The Technical Working Group developed project findings and defined the limits of the Supplemental Draft EIR/S. However, the Technical Working Group support materials were not referenced or provided. Provide meeting Agendas, meeting minutes, meeting documents, exhibits, agreements, and other reference materials discussed at the Technical Working Group meetings.
21. Braided Ramps were removed from the project. The Draft EIR/S discussed the inclusion of these ramps as safety opportunities. However, in the Supplement Draft EIR/S some of these ramps were removed. Provide a safety analysis and discussion for the removal of braided ramps.
22. The City of Long Beach requested studies were included in the Supplemental Draft EIR/S. However, the City of Seal Beach's request for additional impact studies related to College Park East was not considered. Provide City of Seal Beach safety, traffic, and environmental impacts studies for the community of College Park East.

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23. Specific intersections impacted by the project were not address. These impacts include project related and construction detours. Lampson Avenue corridor shall be evaluated for project impacts and detour impacts. Seal Beach Boulevard and Westminster Avenue shall be evaluated for detour impacts. Almond Avenue shall be evaluated for Project and construction impacts. Mitigation measure shall be provided for each evaluation, similar to the Long Beach intersection evaluation.
24. The Toll Lane Analysis is incomplete by not discussing the linkages with the SCAG Express/HOT Lane Network. Provide a detailed analysis on the linkages with other existing and proposed Express/HOT lanes in the SCAG Model.
25. The Supplemental Draft EIR/EIS does not address the degradation of traffic flow during the Peak Hour of travel for each of the proposed alternatives and thereby reducing congestion. Provide an alternative which reduces congestion for the Peak Hour along with a full impact analysis.
26. The SR-22/7th Street Ramp at College Park Drive is discussed in Alternatives 1 and 2, but not included in Alternative 3. A discussion is requested for the elimination of any project impacts to this intersection. The traffic remains relatively constant for each Alternative.
27. Figure 3-2 does not correctly show the lane configuration at the intersection of SR-22/7th Street and College Park Drive. In addition, the December 2012, Supplemental Traffic Study analysis did not reflect the current lane configuration for the developed Model. A traffic signal is proposed at this intersection; however, the City of Long Beach provided an Alternative for a direct connect ramp to Studebaker Road and separating it from College Park Drive. College Park Drive also connected directly to Studebaker Road. Evaluate this Alternative for mitigation measures at the College Park Drive/SR-22/Studebaker Ramp.
28. Previously, the City of Seal Beach contacted Caltrans District 7 and Headquarters to install a traffic signal at this location. It was denied with Caltrans citing the backup onto SR-22/7th Street causes a safety concern. The report does not model is issue caused by placing a traffic signal at this location nor was an Agreement with Caltrans provided with this option. Since the City was previously denied by Caltrans, an Agreement with Caltrans to install a traffic signal at this location is required before it is proposed as a mitigation measure.
29. The Supplemental Draft EIR/EIS report provides congestion detail at the terminus of the project at I-405 and states the each alternative will impact I-405 north of the I-605

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interchange. However, no other information is provided on the impacts to the traffic as it reaches saturation at the I-605 interchange and what happens to both the general purpose lanes and the HOV lanes. A discussion is provided that provides mitigation in terms of "cash" value to Caltrans for future use to improve the affected I-405 Interchanges north of I-605. Provide a traffic model to determine the impacts to traffic flow at the County Line, absence of I-405 improvements, and north of the I-605 for each Alternative.

29
cont.

30. A letter was received by the City of Seal Beach from the project sponsor OCTA. It was dated June 25, 2013. Discussions in this letter, included review of City provided Alternatives, review of City proposed Mandatory and Advisory Exceptions, Project relocated Soundwall and Almond Avenue Impacts, and discussion of accident data. The June 2013 Supplemental Draft EIR/EIS report did not include any discussions of the City proposed alternatives, requested studies, and impacts to Almond Avenue. However, the December 2012 Draft Supplemental Traffic Study Report does address many of the City Alternatives. This information was omitted in the June version. Provide the omitted information and include in the Supplemental Draft EIR/S.

30

31. Each proposed Alternative requires both Mandatory and Advisory Design Exceptions in conformance with the Highway Design Manual, Chapter 80. Chapter 2 of the Supplemental Draft EIR/EIS report discusses the need for mandatory and Advisory Design exceptions and details the number required for each. These are provided below as reference:

Alternative 1: Nine Mandatory and 18 Advisory exceptions

Alternative 2: Nine Mandatory and 17 Advisory (including reduction of 12-foot lanes to 11-foot lanes) exceptions

Alternative 3: Nine Mandatory and 20 Advisory exceptions

A list of exceptions or document reference was not provided in order to review the Design Exceptions. Provide and include this is a critical document into the traffic study..

31

32. The December 2012 Supplemental Traffic Study provided greater detail relating to the impacts the interchanges, ramps, and intersections along the Orange County Corridor. In addition, Chapter 4 of this report included an analysis of the Long Beach Area. Both reports did not include the LOS analysis work sheets, The June 2013 Supplemental Draft EIR/RIS only provided Chapter 4 of the December 2012 report. The corridor information is a vital component of the EIR/EIS evaluation and provides an overview and the necessary mitigation measures to reduce the community impacts. Provide the June

32

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July 22, 2013
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2013 document and incorporate the information,, discussions, and results from the December 2012 Supplemental Traffic Study report.

32
cont.

33. The Supplemental EIR/EIS does not address the traffic congestion from the OC/LA County Line to SR-73. The main focus of this report is the impacts to the City of Long Beach Intersections adjacent to the "project". Missing from the analysis data is the impacts to the congestion at the County Line before and after the I-605 Interchange. The report discusses four (4) accomplishments of Alternative 3 which includes the following:

1. Reduce Congestion
2. Enhance Operations
3. Increase mobility, improve trip reliability, maximize throughput, and optimize operations
4. Minimize environmental impacts and ROW acquisitions

33

Since the Supplemental Draft EIR/EIS does not include the corridor information such as level of service, v/c ratios, d/c ratios, link level of service, or a discussion of "F" verses "F ++", the ability to quantify the four accomplishments of Alternative 3 cannot be verified. Provide the information previously included in the December 2012 Supplement Traffic Study and compare it to the Supplemental Draft EIR/EIS defined accomplishments for Alternative 3 to quantify them.

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1.0 INTRODUCTION

1.1 Preface

It may be human nature (if not a human foible) to look for the good in our own activities while ignoring, glossing over, or seeking to justify those same activity's less desirable attributes. It is, therefore, understandable (albeit not excusable) when a project proponent expends undue efforts to advocate the merits of those plans and programs that they have already put in motion while giving short-shift to both the fallacies in the plan or program being advanced and to those naysayers seeking to raise unaddressed or under-explored issues and suggesting the need for further refinement and/or alternative direction. Although one might hope that the elected decision-making body of a public agency might be more willing to engage in self-examination and more amenable to a variety of differing viewpoints, materials generated (by others) in advancement of that body's actual deliberations cannot avoid but to both reflect the inherent biases of their non-elected authors and that same human tendency's inclination to defend actions taken and positions previously espoused. To do otherwise might be perceived as an admission of poor judgment or suggestive of a personal or professional failing. Even when the elected body provides differing direction, it is a rarity when agency staff will actually shift gears.

The individuals and firms responsible for the preparation and processing of the proposed project and its associated environmental documentation are qualified professionals whose actions, while overly zealous, were likely well intended but nonetheless both misguided and absence reasonable balance. The comments presented herein are not intended to assert, infer, or otherwise claim that the California Department of Transportation (Caltrans or Lead Agency), the Orange County Transportation Authority (OCTA), or any other governmental or non-governmental entity, inclusive of the advisory and decision-making bodies of those organizations, their management, and the employees, consultants, and vendors thereof, have intentionally made or sought to make any material misrepresentations for the purpose of deception or otherwise or intentionally violated or sought to violate any laws, statutes, rules, regulations, or codes of conduct with regards to the proposed project.

Even qualified individuals, however, can embark on a course of action that, over time, is demonstrated to be ill-advised or which lacks solid footing. In an open, democratic process in which minds are not set and positions not too firmly entrenched, public comments (whether offered in praise or in criticisms) serve to enhance the decision-making process by allowing all viewpoints to be considered. Because statute stipulates that agency decisions need to be both informed and balanced, it is only through a willingness to consider additional information and to give credence to competing and/or conflicting viewpoints that better decisions are possible.

1.2 Introduction

The following comments serve to augment those written and oral comments previously submitted to Lead Agency and to OCTA by the City of Seal Beach (City or Seal Beach), its governmental entities, its elected and appointed officials, and its residents and business community as part of that National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) process which is now underway for the proposed "San Diego (I-405) Freeway Improvement Project," as described in the "Draft Environmental Impact Report/Environmental Impact Statement – San Diego Freeway Improvement Project, Orange and Los Angeles Counties, California, SCH #2009091001" (Caltrans and OCTA, May 2012) (DEIR/S or Draft EIR/EIS) and as supplemented in both the "Supplemental Draft Environmental

San Diego Freeway Improvement Project
City of Seal Beach

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Impact Report/Environmental Impact Statement – San Diego Freeway Improvement Project, Orange and Los Angeles Counties, California" (Caltrans and OCTA, June 2013) (SDEIR/S or Supplemental Draft EIR/EIS) and "Supplemental Traffic Study Report – Long Beach Area" (Caltrans, June 2013) (STS). All of those previous comments are again submitted to Caltrans and to the OCTA in response to the release of the SDEIR/S and the Lead Agency's solicitation for public and agency comments in response thereto. Pursuant to Section 15150 in Title 14, Chapter 3 of the California Code of Regulations (CCR), all previous comments from Seal Beach, its elected and appointed officials, and from its residents and its business community on the DEIR/S are incorporated herein by reference and, by this reference, assumed to be made a physical part hereof.

As required in 14 CCR 15088, Seal Beach requests that the Lead Agency provide a detailed written response to both the comments presented herein and to those additional comments incorporated herein by reference. Similarly, by incorporating those previous comments herein, independent of whether those comments were first presented by the City or by other parties, by making those previous comments a part of the City's own response to the Lead Agency's dissemination of the DEIR/S and the SDEIR/S, as required under Section 21092.5(a) of the Public Resources Code (PRC), Seal Beach requests that the Lead Agency provide the City with Caltrans' draft written responses (conforming to the requirements of CEQA) to all such comments at least ten days prior to certification of the environmental impact report (EIR).

Although Seal Beach's status has never been acknowledged by the Lead Agency, as defined in Section 1305(c) in Title 23 of the United States Code (U.S.C.) and in Section 15381 in Title 14 of the CCR, Seal Beach is appropriately categorized as a "Participating Agency" in the NEPA process and a "Responsible Agency" in the CEQA process.

As noted above, these comments are the result of the Lead Agency's dissemination of the SDEIR/S. The information presented therein is based, at least in part, on the analysis presented in the June 2013 STS; however, the June 2013 STS was neither included in nor disseminated with the SDEIR/S and was not "incorporated by reference" therein pursuant to Section 14 CCR 15150. In addition, neither the SDEIR/S nor the public notice announcing its release indicate where a copy of that STS can be view

In looking for the STS, the Lead Agency creates needless confusion as to the precise nature of that document. Referencing the SDEIR/S:

- "The new information and analysis presented within the Supplemental Draft EIR/EIS is based on the 'Supplemental Traffic Study Report – Long Beach Area,' prepared in April 2013 in response to City of Long Beach comments on the Draft EIR/EIS" (emphasis added) (General Information about this Document, unpaginated);
- "The new information and analysis presented within the Supplemental Draft EIR/EIS is based on the 'Supplemental Traffic Study Report – Long Beach Area,' prepared in March 2013 in response to City of Long Beach comments on the Draft EIR/EIS" (emphasis added) (SDEIR/S, p. S-1);
- "The City of Long Beach has reviewed the 'Draft Supplemental Traffic Study Report – San Diego Freeway (I-405) Improvement SR74 to I-605,' dated December 2012" (emphasis added) (SDEIR/S, Appendix A);
- Chapter 6 (References) of the SDEIR/S cites a "Supplemental Traffic Study Report – Long Beach Area, February 2013" (emphasis added) (p. 6-1); and

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- The OCTA's website links to and Caltrans' website displaying a "Supplemental Traffic Study Report – Long Beach Area," dated "June 2013" (emphasis added) (http://www.dot.ca.gov/dist12/405/LongBeach/SUPPLEMENTAL_Traffic%20Study.pdf).

As required, in part, in Section 15147 of the State CEQA Guidelines: "Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR. Appendices to the EIR may be prepared in volumes separate from the basic EIR document, but shall be readily available for public examination and shall be submitted to all clearinghouses which assist in public review" (emphasis added).

Because the "February 2013" version of the STS (February 2013 STS) is the document (and the only document) explicitly cited in the "references" section of the SDEIR/S, the February 2013 STS is given the greatest credence. That document, however, cannot be located in the libraries listed in the SDEIR/S (General Information about this Document, What You Should Do) or on either Caltrans' or the OCTA's website.

In *Dry Creek Citizens Coalition v. County of Tulare* (1999), the court noted that "[a]n adequate EIR must be 'prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences' [Citation]. It 'must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project' [Citation]."

Because the Lead Agency is not even internally consistent with regards to the key document upon which the information, analysis, and conclusions presented in the SDEIR/S is derived, it is not possible to know what or which STS is actually being referenced and/or to determine how the December 2012, February 2013, March 2013, April 2013, and June 2013 versions thereof may be materially different. Since neither those five documents nor any version thereof was either circulated with the SDEIR/S nor "incorporated by reference" therein, stakeholders have been denied the ability to compare and contrast each version, to independently determine the similarities and/or differences between those documents, to review any comments that may have been submitted thereupon, and/or to identify any actions (e.g., document revisions) taken by Caltrans or by others in response to any comments or concerns expressed by any reviewing individual or organization.

With the exception of the statement that "[t]his recirculation focuses on new traffic information in the Long Beach area," Caltrans' "Public Notice – Supplemental Draft Environmental Impact Report/Environmental Impact Statement Available for Interstate 405 & Announcement of Public Hearing" (Public Notice) (http://www.octa.net/pdf/405Supplemental_PublicNotice.pdf) contains no reference to a "Supplemental Traffic Study" or any version thereof, such that any reader of that notice would neither know of the existence of that document nor know how to obtain a copy thereof.

Seal Beach had the opportunity to review the December 2012 version (December 2012 STS) which the City has included herein as Attachment 1 (December 2012 Supplemental Traffic Study). Despite Caltrans' declaration that "[t]his Supplemental will be included in the Final EIR/EIS" (December 2012 STS, p. i), the December 2012 STS, the February 2013 STS, and/or the June 2013 STS (or any other version thereof) has not been widely circulated. With regards to circulation, Caltrans notes that "[a]s part of the coordination process, the initial draft of the

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[December 2012] Supplemental Traffic Study Report – Long Beach Area was submitted to members of the Technical Working Group in early December 2012 for review and comment" (June 2013 STS, p. 5-1). The "Technical Working Group" (TWG) consists of a limited number of governmental entities, all of which are located in Los Angeles County (e.g., "After the Draft EIR/EIS was circulated and during preparation of the Supplemental Traffic Study, Caltrans and OCTA coordinated with the technical representatives of the City of Long Beach, Gateway Cities Council of Governments (COG), Caltrans – District 7, and the Los Angeles County Metropolitan Transportation Authority (Metro) regarding potential effects to traffic and circulation in the Long Beach area," June 2013 STS, p. 5-1). Those governmental entities located in Orange County and/or within the project's designated "study area" which actively participated in the CEQA/NEPA process and submitted written or oral comments on the DEIR/S were all excluded from the TWG and were not given the opportunity to provide input concerning the scope of the STS.

Although it shares coterminous boundaries with Long Beach and Los Angeles County and has been an outspoken participant and both a Participating and Responsible Agency in the CEQA/NEPA process, Seal Beach believes that it was intentionally excluded from the TWG. As evident by information presented in the December 2012 STS, substantially greater traffic-related and associated environmental impacts will occur in Seal Beach than presently disclosed in the DEIR/S and SDEIR/S.

In general, as a result of both its withholding of key information and lack of forthcoming with regards to the precise nature, dissemination, and whereabouts of the STS, stakeholders in Seal Beach have not been provided a reasonable opportunity to comment on the information and analysis presented in the December 2012, February 2013, March 2013, and April 2013, and/or June 2013 versions of that document. Since the STS is the foundational basis for the SDEIR/S, absent reasonable access to that document, stakeholders' ability to comment on the SDEIR/S has also been unreasonably curtailed.

So that the evolving nature and content of the STS can be independently examined and so that each document can be posted (by the City) on Seal Beach's website for review by stakeholders in Seal Beach, in response to the release of the SDEIR/S, the City formally requests: (1) electronic copies of the December 2012, February 2013, March 2013, April 2013, and June 2013 versions of that document, including any and all appendices thereto and any and all comments that may have been submitted to or by Caltrans, the OCTA, the TWG, Long Beach, and by others thereupon; and (2) that Caltrans provide notice and extend the comment period on the SDEIR/S for an additional 30 days following the City's receipt of that material.

The June 2013 STS alleges that "[t]he purpose of the 'Supplemental Traffic Study Report – Long Beach Area' (Supplement) is to provide additional traffic information on the I-405 Improvement Project not included in the 'Traffic Study Report – San Diego Freeway (I-405) Improvement Project SR-73 to I-605' completed by Albert Grover & Associates in April 2011" (June 2013 STS, p. 1-1). It is, however, noted that the June 2013 STS (151 pages) contains at least 62 pages fewer pages than the December 2012 STS (213 pages). When compared with the June 2013 document, the December 2012 STS contains substantial more "additional traffic information" (fostering informed decisionmaking) directly relevant to an understanding of the proposed project. Although germane to the CEQA/NEPA process, the deleted information appears to have been intentionally withheld from both the general public and from the project's decision-making bodies. From that, it must be construed that the document's stated "purpose" is not actually greater disclosure but the manipulation of information so as to advance an

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agenda (e.g., generation of toll revenues) divergent from the October 22, 2012 actions of OCTA's Board of Directors (i.e., identifying Alternative 1 as the "locally preferred alternative").

It is further noted that the City's written comments on the DEIR/S, dated July 17, 2012, totaled approximately 500 pages. Excluding a brief letter from the "project sponsor" (not the Lead Agency), dated June 25, 2013, stating OCTA's rejection of the City's proposed design exceptions (formulated to allow for the retention of the Almond Avenue soundwall), Seal Beach has yet to receive a single written reply from the Lead Agency with regards to any of the issues raised therein. In contrast, Long Beach's 12-page letter predicated the preparation of the SDEIR/S and STS.

As indicated on the OCTA's website (<http://www.octa.net/freeways-and-streets/san-diego-freeway-i-405/i-405-improvement-project/overview/>): "The California Department of Transportation (Caltrans), in cooperation with the Orange County Transportation Authority (OCTA), is proposing to widen the San Diego Freeway (I-405) between State Route 73 (SR-73) and Interstate 605 (I-605). The purpose of the proposed improvement is to improve travel conditions for work, recreation, school, and commerce by increasing freeway capacity, improving traffic and interchange operations, and enhancing road safety to meet state and federal standards. During the initial DEIR/EIS public review period in May 2013, Caltrans received comments on potential traffic impacts within the City of Long Beach. In an effort to address these comments, Caltrans prepared a Supplemental Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) to evaluate the existing and future traffic flow conditions within the Los Angeles County traffic study area including at a minimum, demand, capacity and level of service for the mainline freeway and arterial street intersections within the City of Long Beach not considered in the Draft EIR/EIS" (emphasis added).

Failing to distinguish the number of people actually moved (personal mobility) from vehicle counts (e.g., "throughput is the number of vehicles able to pass a fixed point along the corridor during the hour of greatest demand" [emphasis added], DEIR/S, pp. ES-3 and 4-2), Caltrans holds fast to the antiquated idea that building more freeway lanes is the panacea to increased both capacity and mobility. Nowhere in the DEIR/DEIS or in the SDEIR/S is there any serious and meaningful discussion of how to move people while reducing the number of vehicle on the road, how to increase the occupancy rate of those vehicles that are on the road, the actions necessary to place travelers into public transportation (or to provide motorists the alternative to utilize public transportation), or the more fundamental changes in land-use patterns and social structure needed to minimize the necessity of individuals to travel by private vehicle between destinations.

As indicated in the Federal Highway Administration's (FHWA) "Federal-Aid Highway Program Guidance on High-Occupancy Vehicle (HOV) Lanes" (November 2012) (Federal-Aid Highway Program Guidance) (<http://ops.fhwa.dot.gov/freewaymgmt/hovguidance/hovguidance.pdf>): "As stated in the 2007 Economic Report of the President, small changes in the number of cars using a particular roadway at a given time can result in large improvements in the flow of traffic. For instance, the addition of just a few school buses makes traffic flow noticeably worse on the first day of school, while traffic flow is noticeably better on some State holidays when only a small number of residents stay home from work" (emphasis added). If only a "small change" (e.g., relatively minor reduction in the number of vehicles) is necessary to produce potentially large returns (e.g., improved Level of Service [LOS]), an alternative to building more lanes to accommodate more vehicles is reducing the number of vehicles. None of the alternatives

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examined in the DEIR/S and in the SDEIR/S, however, seek to reduce the "number of cars using" the I-405 Freeway and/or any of the arterials that are linked thereto.

The DEIR/S states that "[t]he existing HOV lanes also experience congestion during the peak hours. The HOV lane volumes are exceeding the capacity of the HOV lanes in the corridor and throughout southern California. . . The travel time advantage of the HOV lanes on I-405 within the project limits is anticipated to be completely lost by the time the proposed project is open to traffic, except along the northernmost 3 miles of the corridor" (DEIR/S, p. 1-9). Among other factors, the Lead Agency asserts that only through the introduction of HOT lanes (Alternative 3) will travel times improve (e.g., "The Express Lanes provide an option to users to obtain increased reliability in travel time," DEIR/S, p. 2-11).

As indicated in the DEIR/S: "[t]he design concept and scope of the proposed project is consistent with the project description in the 2008 RTP, the 2008 TIP, and the assumptions in SCAG's [Southern California Association of Governments] regional emissions analysis" (emphasis added) (DEIR/S, p. 3.2.6-31); however, as further indicated therein:

- "Alternative 2 is not consistent with the current RTP or FTIP. OCTA is currently pursuing revisions to both documents. This will be completed prior to the Final EIR/EIS, which will include the revised description and reference to the conforming documents" (emphasis added) (DEIR/S, p. S-13); and
- "Alternative 3 is not consistent with the current RTP or FTIP. OCTA is currently pursuing revisions to both documents. This will be completed prior to the Final EIR/EIS, which will include the revised description and reference to the conforming documents" (emphasis added) (ibid).

Besides pointing to one of many internal inconsistencies throughout the DEIR/S, the above excerpts further document: (1) the SDEIR/S' failure to include other "significant new information" and analysis about changed baseline conditions, outdated policy documents, and recently adopted regional plans, such as the Southern California Association of Governments' (SCAG) "2012-2035 Regional Transportation Plan/Sustainable Communities Strategy" (April 4, 2012); and (2) fragmentation of the proposed project, such that OCTA has pursued revisions to the RTP and FTIP in furtherance of Alternatives 2 and 3 independent of the project's CEQA/NEPA process and the OCTA's Board of Directors' selected LPA (i.e., Alternative 1).

The air quality analysis presented in the DEIR/S is further based on the assumption that "vehicle speeds would improve on both the mainline and in the HOV lanes" and that "[p]eak-hour congestion would be reduced, leading to a reduction in vehicle idling and associated emissions" and "[p]otential localized PM [particulate matter] increases associated with the increase in ADT [average daily trips] would be offset by the increase of vehicle speed in the project area" (DEIR/S, p. 3.2.6-41). Because it is based on false assumptions and material misrepresentations, the resulting analysis likely underestimates (in terms of conclusion and magnitude) the project's actual impacts.

The closest example of an operating HOT-lane (HOVL) system can be found along an 11-mile segment of the Harbor (SR-110) Freeway in Los Angeles County which commenced operations on November 10, 2012. As indicated in the Los Angeles County Metropolitan Transportation Authority's (LACMTA) "110 Express Lanes Performance Update, As of 2/28/13," as traffic volumes have increased, the "average GP [general purpose] lane speeds have declined" (https://www.metroexpresslanes.net/en/about/110_Performance_Report_Feb_2013.pdf). Based

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on operational experience, 40 percent of HOT-lane (HOTL) vehicles are single-occupant vehicles (SOVs). LACMTA recognizes that "[p]roviding high-quality transit service is the key to meeting the express lanes goal of moving more people - not more vehicles" (emphasis added). A comparable or even higher rates of SOVs usage as that evident on the SR-110 Freeway's express lanes (40 percent) would appear applicable to the proposed project.

Actual throughput (measured in the number of individuals transported) is not merely a by-product of how many vehicles per hour per lane the freeway can accommodate. If freeway lanes are to be added and/or operational changes are to be instituted, vehicle-based actions must be considered in combination concurrent transit-based facilities and improvements. Public transportation is not even represented as an incidental component of the proposed project and reference to and discussion of public transportation in the DEIR/S and SDEIR/S is virtually non-existent.

The DEIR/S alleges that, under all build-alternatives, "vehicle speeds would improve on both the mainline and in the HOV lanes" (p. 3.2.6-41). Caltrans' experience on other recent and proximal HOTL project, however, demonstrates that travel speeds actually decrease in GP lanes once a HOTL is operational.

Bus	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50
Vanpool	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50
2+ Person Carpool	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50
Single Occupant Automobile	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50

As apparent in the accompanying exhibit (Source: Southwest Washington Regional Transportation Council), a wide variety of vehicle options exist to transport the same number of people. Although the poet may be correct in stating a "rose is a rose is a rose" (Gertrude Stein, *Sacred Emily*) the same adage does not hold true for motor vehicles. Because they contain different occupancy loads, a bus, a vanpool, a vehicle carrying three or more people, a 2-person automobile, and a SOV all may be

the same to a vehicle-counting transponder but all are substantively different with regards to their implications with regards to both freeway capacity and personal mobility. With a large percentage of available HOTL capacity being consumed by SOVs, increased vehicle throughput represents a false standard with regards to personal mobility.

While the LACMTA appears committed to "moving more people - not more vehicles," Caltrans' adage would appear to be "moving more cars - not more people." When comparing a traditional HOVL wherein all vehicles are assumed to be 2-person carpools against a managed lane in which 40 percent of the vehicles are SOVs and all other vehicles are 2-person carpools, under a traditional HOVL, a total of 50 vehicles would be needed to transport 100 people; however, in the HOTL, a total of 70 vehicles (40 SOVs + 30 2-person carpools) would be needed to move those same 100 people (representing a 40 percent increase in the number of vehicles required to transport the same number of individuals).

None of the managed lanes now being proposed include a 40 percent increase in vehicle throughput capacity over that found in a GP lane, people-moving capacity will actually decrease under Alternative 3.

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While toll-paying SOVs may benefit from the introduction of HOTLs, the LACMTA's independent monitoring provides clear documentation that the majority of motorists traveling along a freeway with a HOTL system actually experience reduced vehicle speeds, longer travel times, and greater congestion. As a result, under Alternative 3, a nearly \$6 billion investment (e.g., "the repayment cost of \$5.8 billion exceeds the future toll revenue projections," William Kempton, April 16, 2012) will only benefit a privileged few (i.e., SOVs).

In addition, left unexamined in either the DEIR/S or in the SDEIR/S is the potential for a HOTL system, allowing usage by SOVs, to adversely impact public transportation ridership. Since the project description contains no public transportation commitment or component, the potential for reduced ridership and reduced person-per-vehicle ratio (person throughput) would appear an inevitable but unaddressed consequence of the proposed project. As posited in "Potential Mode Shift from Transit to Single-Occupancy Vehicles on a High-Occupancy Toll Lane" (Churn, Geoffrey L. and Buris, Mark W., *Transportation Research Record: Journal of the Transportation Research Board*, No. 2072, 2008):

One of the benefits of modifying high-occupancy vehicle lanes to high-occupancy toll lanes is to allow vehicles that would otherwise be ineligible, such as single-occupancy vehicles, to utilize the excess capacity of an HOV lane. However, current carpools and transit riders may also become SOV travelers because of the additional flexibility and personal space benefits of driving alone while obtaining the travel time benefits on the HOT lane. Reductions in transit ridership and carpools reduce the person-carrying capacity of the HOT lanes and counter one of the original objectives of the HOV lane - to encourage a high person-per-vehicle ratio (emphasis added).

With regards to the "original objectives of the HOV lane," referencing Section 21655.5(a) and (f) of the California Vehicle Code, "[t]he Department of Transportation and local authorities, with respect to highways under their respective jurisdictions, may authorize or permit exclusive or preferential use of highway lanes for high-occupancy vehicles. . . . It is the intent of the Legislature, in amending this section, to stimulate and encourage the development of ways and means of relieving traffic congestion on California highways and, at the same time, to encourage individual citizens to pool their vehicular resources and thereby conserve fuel and lessen emission of air pollutants" (emphasis added).

As reported by the California Legislative Analysis Office (LAO), the California Transportation Commission (CTC) and FHWA require that, whenever Caltrans is considering adding capacity (e.g., adding a new lane) to an urban freeway, Caltrans must also consider an HOV-lane option (http://www.lao.ca.gov/2000/010700_hov/010700_hov_lanes.html). A HOV-lane option (e.g., "Alternative M2 would provide an additional HOV lane in each direction, as well as transit improvements, including express buses operating in the HOV lanes and the addition of new park-and-ride facilities," DEIR/S, p. 2-38) was, however, rejected prior to the commencement of the DEIR/S and, potentially in violation of Caltrans' requirements, no HOVL option was reasonably examined in the project's CEQA/NEPA documentation.

As indicated in the OCTA's Board of Directors' April 22, 2013 agenda, entitled "Path Forward for the Interstate 405 Improvement Project between State Route 55 and Interstate 605" (OCTA, April 15, 2013) (April 2013 Path Forward):

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Another concept that surfaced in discussions with Caltrans proposes to add the M2 Project K single GP lane plus one HOV2+ lane in each direction. The HOV2+ lane would be combined with the existing HOV2+ lane to form a dual HOV2+ facility. This concept was studied as Alternative 8 in the I-405 MIS, but was not chosen as the locally preferred strategy. This concept would deliver on the promise of M2 Project K, as well as address the degraded HOV condition on this stretch of I-405. However, there is no identified funding to construct a dual HOV lane concept. Caltrans has not determined the method to address HOV degradation on the entire I-405 corridor and, therefore, it is not recommended it be further studied (emphasis added).

Although not addressed in either the DEIR/S or in the SDEIR/S, future unknown and, as yet, unspecified subsequent actions that may or may not be taken by Caltrans' relating to "HOV degradation on the entire I-405 corridor" (independent of Caltrans' response to other HOV degradation exhibited throughout southern California) is now being presented as the rationale for the adoption of the implementation of a HOTL.

As noted in the DEIR/S: (1) "Forecast year 2040 Alternative 1 speeds in the HOVLs during peak hours range from 10 to 27 mph" (DEIR/S, p. 3.1.6-83); (2) "Forecast year 2040 Alternative 2 speeds in the HOV lanes during peak hours range from 17 to 44 mph" (DEIR/S, p. 3.1.6-93); and (3) "Forecast year 2040 Alternative 3 speeds in the Express Lanes are expected to be 65 mph" (DEIR/S, p. 3.1.6-100). Based solely on the use of congestion pricing, as determined by the Lead Agency's selective disclosure and what would appear contrary to the policy position espoused on April 22, 2013 by the OCTA's Board of Directors, projected HOV degradation (i.e., operating speed of less than 45 mph for 90 percent of the time) appears only to be remedied by the creation of HOTLs along "the entire I-405 corridor." As a result of that disclosure, the inventory of related projects producing potential cumulative impacts, the proposed project's potential environmental and socioeconomic consequences, and analytical "study area" that needs to be considered in the project's CEQA/NEPA documentation increased substantially.

The DEIR/S notes that "[a]nother option that could be jointly considered by OCTA, Caltrans, and FHWA to restore the travel speed incentive to use the carpool lanes on I-405 would be to increase the eligibility requirement from two to three persons per vehicle. An HOV3+ occupancy policy was not considered" (emphasis added) (DEIR/S, p. 3.1.6-82).

The rejection of a HOV3+ option appears to conflict with Caltrans' own "Updated Managed Lane Design" (April 7, 2011) (<http://www.dot.ca.gov/hq/traffops/signtech/signdel/policy/11-02.pdf>) which served to update Caltrans' "2003 High Occupancy Vehicle Guidelines for Planning, Design, and Operation" (HOV Guidelines). As specified therein:

The following principals are expected to guide decision-making on the development and/or operations of managed lanes: [1] Employ a system management approach; managed lane strategies can affect the performance of the entire freeway system. The focus should not just be on the operation of the managed lane and its mobility benefits. [2] Balance system performance and overarching goals, including safety, mobility, delivery, stewardship, and customer service when selecting and analyzing project alternatives and key features. [3] Consider increasing occupancy requirements if HOV lanes are experiencing severe congestion. [4] Consider planning for two managed lanes in each direction of travel if analysis determines it to be practical and beneficial. [5] Consider

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implementing congestion pricing to utilize the full capacity of under-utilized HOV lanes if analysis determines it to be practical and beneficial. [6] Ensure uniformity and consistency in the appearance of facilities within a region as much as possible; unique conditions and situations may require unconventional treatment(s). [7] Ensure enforcement considerations are taken into account. Consult the California Highway Patrol (CHP) during project development. [8] Consult with the Traffic Liaison to ensure that emerging best practices and recent "lessons learned" from collision analysis and research are fully considered and implemented (emphasis added).

It can be reasonably assumed that the Lead Agency's failure to consider a HOVL option, a modified HOV-occupancy policy, and HOVL vehicle eligibility requirements (e.g., exclusion of inherently low emission vehicles (ILEV)) was not the result of an inability to perform those analyses but to slant the CEQA/NEPA outcome in favor of a HOTL alternative (e.g., Alternatives 1 and 2 fail to meet specified HOVL performance standards specified in 23 Section 166(d)(2)). As indicated in the FHWA's Federal-Aid Highway Program Guidance:

HOV facilities offer States the ability to match vehicle eligibility criteria and vehicle occupancy requirements to the demand for the lane. Under 23 U.S.C. 166 (a), the States retain the authority to establish the minimum occupancy requirements of their HOV lanes, so long as the minimum occupancy is no less than two. The goal is to set the occupancy requirement at a level that will encourage the use of carpooling, vanpooling, and transit services without overloading the capacity of the HOV lane. Changes in the designated vehicle-occupancy restrictions may be needed over the life of an HOV facility. For example, some HOV lanes using a 2+ requirement have experienced congestion resulting in reductions in trip time reliability and slower travel times. This situation happened on both the I-10 West and U.S. 290 HOV lanes in Houston. To address this problem, the vehicle-occupancy requirements were increased to 3+ during the morning and afternoon peak-hours. States are strongly encouraged to increase vehicle-occupancy levels in the event that facility performance becomes degraded. In locations where HOV lanes are overcrowded, States may combine pricing and occupancy requirement modification strategies to improve performance. States should set an occupancy requirement that reasonably facilitates the use and operation of carpools. In other words, States should establish the occupancy requirement at a level related to the performance of HOVs on the facility.

Pursuant to 23 U.S.C. 166(b)(5), until September 30, 2017, individual states may allow ILEVs and vehicles certified and labeled as low-emission and energy-efficient vehicles (including alternative fuel vehicles) that do not meet the established occupancy requirements to use HOVL facilities so long as the state establishes procedures to enforce the restrictions on the use of the facility by these vehicles. Absent from the DEIR/S and SDEIR/S is any analysis of the number of ILEV vehicles using and the number of such vehicles projected to use the HOVL and how or whether performance of that lane may be enhanced by excluding those vehicles therefrom.

Referencing the FHWA's Federal-Aid Highway Program Guidance: "In addition to the pricing, occupancy requirement, and vehicle eligibility operational strategies, other travel demand management (TDM) strategies can also be used to improve HOV system performance on both a region-wide and facility-specific basis include: guaranteed ride home programs; telecommuting and alternate work schedules; growth management, land use policies, and zoning ordinances;

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parking management; trip reduction ordinances; and traveler information systems." None of these FHWA-recommended "travel demand management strategies" were, however, reasonably considered by the Lead Agency.

As indicated in the DEIR/S, "[t]he purpose of the proposed action is to: [1] Reduce congestion; [2] Enhance operations; [3] Increase mobility, improve trip reliability, maximize throughput, and optimize operations; and [4] Minimize environmental impacts and ROW acquisition" (emphasis added) (DEIR/S, p. 1-5).

Referencing the United States Department of Transportation's (USDOT) "Integrating Demand Management in the Transportation Planning Process: A Desk Reference" (August 2012) (TDM Desk Reference) (<http://ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf>): "Applying TDM in the planning process can play a pivotal role in helping agencies address their goals to reduce transportation system congestion, improve system reliability, and improve safety" (emphasis added). The USDOT further notes:

Congestion is an ever-increasing reality in today's communities, and not just in large metropolitan areas. Many urban corridors in most large cities have been expanded to the extent feasible from subsequent widening projects, leaving few options to improving performance and efficiency other than TDM. Each TDM strategy that works to influence travel choices, and minimize recurrent and non-recurrent congestion, can help reduce the strain on the overburdened system. This is accomplished by reducing VMT, shifting travel outside the peak periods, and eliminating the need to travel – contributing to reductions in delay or VHT. The end result can be a reduction in congestion and an improvement in system reliability for travelers. TDM can also help provide travelers with reliable options that might not have been available before. The TDM strategies that work to meet the policy goals of congestion reduction and reliability improvement are also strongly related to helping meet regional mobility and accessibility, safety, and goods movement goals.

It is evident that TDM strategies could facilitate the achievement of many of the project's stated purposes. Although a clear linkage exists, absent any analysis and offering only bare conclusions, the Lead Agency concluded that a "TDM alternative" was not "considered viable" because it "fail[ed] to meet the project's purpose and need" (DEIR/S, p. S-2). Because TDM strategies addressed in the TDM Desk Reference include both "congestion pricing" and "HOV to HOT conversions," the Lead Agency seeks to assert that TDM actions are not "considered viable" while concurrently seeking to argue that TDM-related actions are the foundation upon which Alternative 3 is based.

In response to the Senate Bill (SB) 391, Caltrans is preparing the "California Interregional Blueprint" (CIB). That State-level transportation blueprint, focusing on the State's role with regards to the interregional movement of people and goods, will articulate California's vision for an integrated, multi-modal, interregional transportation system promoting the furtherance of regional transportation and land-use plans. When finalized, the CIB will become the foundational basis for the "California Transportation Plan 2040" (CTP) which is due to the State Legislature by December 2015. Absent from the Lead Agency's assessment of "mobility" (e.g., "increase mobility," DEIR/S, p. 1-5), however, is a discussion of "smart mobility," as addressed in Caltrans' "Interregional Transportation Strategic Plan – Review Draft" (December 2012)

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(ITSP) (http://www.dot.ca.gov/hq/tpp/offices/oasp/ITSP_document_FINAL.pdf#zoom=65). As indicated therein:

In order to better integrate transportation and land-use decisions, Caltrans has developed "Smart Mobility 2010: A Call to Action for the New Decade." The plan was prepared in partnership with the U.S. Environmental Protection Agency, and in collaboration with the Governor's Office of Planning and Research and the California Department of Housing and Community Development. Smart Mobility 2010 incorporates current innovative practices such as smart growth, livable communities, context-sensitive design, transit-oriented development, complete streets, and sustainability. Smart Mobility 2010 defines the Caltrans' mobility mission as follows: "Smart Mobility moves people and freight while enhancing California's economic, environmental, and human resources by emphasizing convenient and safe multimodal travel, speed suitability, accessibility, management of the circulation network, and efficient use of land." It establishes six Smart Mobility principles to be assessed using specific land use place-types and performance measures. The six Smart Mobility principles are: [1] Location Efficiency; [2] Reliable Mobility; [3] Health and Safety; [4] Environmental Stewardship; [5] Social Equity; [6] Robust Economy. California must meet ambitious environmental and sustainability goals included in the Global Warming Solutions Act (AB 32), SB 375, and SB 391. The Smart Mobility framework is seen as an important planning tool to help meet these new regulatory requirements (emphasis added) (ITSP, pp. 44-45).

Unlike the emphasis in the DEIR/S and SDEIR/S, noticeably absent from Caltrans' definition of "smart mobility" (e.g., "move people and freight") is any emphasis on moving vehicles rather than people. Similarly, unlike the DEIR/S and SDEIR/S, "smart mobility" focuses on "multi-modal travel" and not on a singular emphasis on the creation of more freeway lanes for added vehicle throughput (primarily by SOVs), with a corresponding increase in total vehicle miles traveled (VMT) (e.g., each of the three build alternatives examined in the DEIR/S and SDEIR/S substantially increases VMT over the no-build scenario).

As further indicated in the FHWA's "Reference Sourcebook for Reducing Greenhouse Gas Emissions from Transportation Sources" (February 2012), "the nexus between land use and transportation is important and may be critical to reducing GHG emissions" (emphasis added) ([http://www.fhwa.dot.gov/environment/climate_change/mitigation/resources_and_publications/re ference_sourcebook/referencesourcebook.pdf](http://www.fhwa.dot.gov/environment/climate_change/mitigation/resources_and_publications/reference_sourcebook/referencesourcebook.pdf)).

Referencing the USDOT's "Operational Design Guidelines for High Occupancy Vehicle Lanes on Arterial Roadways" (November 1994): "Urban planning and transportation experts concur that the generation of trips and the subsequent potential congestion is directly related to decisions made regarding the location, scope and type of land use in an urban area. In fact this linkage lies at the heart of the congestion issue which has resulted in the need for initiatives such as HOV priority and Travel Demand Management programs" (emphasis added) (<http://ops.fhwa.dot.gov/freewaymgmt/publications/hov/00101625.pdf>).

NEPA requires federal agencies proposing actions "significantly affecting the quality of the human environment" to provide a "detailed statement" concerning "alternatives to the proposed action" (42 U.S.C. 4332[C][iii]). The "alternatives requirement" of NEPA demands that agencies "rigorously explore and objectively evaluate all reasonable alternatives" (40 C.F.R. 1502.14[a]).

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The environmental impact statement (EIS) must take a "hard look" at the environmental consequences of the alternatives and must provide an explanation of the alternatives sufficient to permit a reasoned choice among different courses of action. The courts have held that NEPA does not allow an agency "to contrive a purpose so slender as to define competing 'reasonable alternatives' out of consideration" (Simmons v. United States Army Corps of Engineers [1997]).

One of the fundamental failings of the Lead Agency's CEQA/NEPA documentation is that, in reality, there are no meaningful alternatives presented therein. With the exception of the "no build" alternative mandated under both State and federal statutes, each option examined by the Lead Agency constitutes merely a minor variation on the theme of just "build more travel lanes" (all of which increase total VMT in GHG-emitting private vehicles). Absence from the CEQA/NEPA process are any public transportation options for the nearly \$6 billion in public dollars being expended and for the additional right-of-way being consumed. As indicated in the DEIR/S: (1) "Alternative M3 [which included a "fixed-transit guideway"] is not considered a viable option" (DEIR/S, p. 4-41); and (2) "Alternative M9 [which included "fixed transit guideway service"] is not considered a viable option" (DEIR/S, p. 4-46).

As defined in Caltrans' "Bus Rapid Transit: A Handbook for Partners" (February 2007) (BRT Handbook) (<http://www.dot.ca.gov/hq/MassTrans/Docs-Pdfs/BRT/BRT-Handbook-030706.pdf>): "Bus Rapid Transit can best be described as a combination of facility, systems, and vehicle investments that convert conventional bus services into a fixed-facility transit service, greatly increasing their efficiency and effectiveness to the end user" (BRT Handbook, p. 5). As further indicated therein:

The California Department of Transportation recognizes and supports the concept of implementation of Bus Rapid Transit (BRT) as a potential cost-effective strategy to maximize people throughput (emphasizing the movement of people, not just vehicles), reduce traveler delay, increase capacity, and foster energy savings on the California State Highway System, as well as on conventional highways. . BRT represents a way to improve mobility at relatively low cost through incremental investment in a combination of bus infrastructure, equipment, operational improvements, and technology. The intended result of this policy is improved mobility options through the full integration of BRT as an investment alternative into system and comprehensive corridor planning documents and project development processes. . Ensure that project initiation documents for capacity-increasing projects in urban areas consider, and , if appropriate, recommend BRT as the preferred alternative for the project (emphasis added) (BRT Handbook, Appendix A, Director's Policy, pp. 18 and 20).

As further indicated in the DEIR/S: (1) "Alternative M8 [which included BRT] is not considered a viable option because it does not fulfill the project purpose. Alternative M8 [d]oes not maximize throughput" (emphasis added) (DEIR/S, p. 4-44); and (2) "Alternative M11 [which included BRT] is not considered a viable option because it does not fulfill the project purpose" (emphasis added) (DEIR/S, p. 4-47). Despite this assertion, the BRT Handbook demonstrates that a BRT alternative can achieve many of the project's stated objectives and, therefore, should not have been prematurely and summarily rejected.

Another shortcoming with the project's CEQA/NEPA documentation relates to the establishment of an erroneous and unvetted "study area" (<http://www.octa.net/pdf/405imprmap.pdf>). As indicated in Caltrans' "Guidance of Preparers of Cumulative Impact Assessments" (last updated

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February 3, 2012) (http://www.dot.ca.gov/ser/cumulative_guidance/defining_resource.htm). "[a] resource study area (RSA) is the geographic area within which impacts on a particular resource are analyzed." As further indicated therein, "[t]he boundaries of RSAs for cumulative impacts analysis are often broader than the boundaries used for the project-specific analysis, which focuses on the immediate project area" and "[p]olitical boundaries are often arbitrary; they are not likely to represent development trends nor do they identify habitat areas."

Notwithstanding the information presented in the SDEIR/S and June 2013 STS, the Lead Agency continues to examine the project through self-imposed blinders that artificially establish a myopic "study area," as if each individual motorist utilizing the 16-mile segment of the I-405 Freeway now under consideration commences and terminates their travel choices within an area which is coterminous with the physical boundaries of the proposed improvements, asserting (on the northern end) that the area of impact originates and terminates at the Orange County/Los Angeles County line. Absent from the CEQA/NEPA documentation is any effort to: (1) determine the actual extent of project-related and cumulative impacts, beyond which environmental effects are diminutive; and (2) ascertain the origins and destinations of those motorists utilizing the specified segment of the I-405 Freeway and whether there exists any non-lane-adding options that might enhance both their abilities to get from here-to-there and the quality of the affected environment (e.g., overall reduction in VMT).

The inherent concept in VMT is "vehicle" miles traveled. Providing motorists opportunities and incentives to reduce individual private automobile trips, converting SOV-trips to HOV-trips, reducing the total number of vehicles on the roadway, and promoting the use of public transportation can all reduce VMT without necessitating shorter trips or more freeway lane miles. Under any of those options, total "person" miles traveled (PMT) can actually increase without a corresponding rise in VMT.

Unlike a library which exists as a fixed-point in space, the proposed project is, in actuality, only a conveyance mechanism (conduit) relating to travel between various fixed points. As a viable alternative, CEQA/NEPA documentation prepared for a new public library could elect to examine the corresponding environmental effects attributable to the use of new-technology-driven options (e.g., Internet) giving users greater resource options while avoiding the need for and the impacts associated with the need to construct new brick-and-mortar facilities. Conversely, Caltrans merely seeks to perpetuate the myth that adding new freeway travel lanes is the only means to improve both "travel conditions" and "traffic and interchange operations."

As indicated in the DEIR/S: (1) "Because CO emissions are produced almost entirely from automobiles, the highest CO concentrations in the basin are associated with heavy traffic" (DEIR/S, p. 3.2.6-9); (2) "[A]utomobile exhaust accounts for most of the CO emissions" (DEIR/S, p. 3.2.6-17); (3) "The primary sources of ROG and NO_x, which are the components of O₃, are automobile exhaust and industrial sources" (DEIR/S, p. 3.2.6-17); (4) "The greatest source of smog-producing gases is the automobile" (DEIR/S, p. 3.2.6-17); (5) "Traffic noise is a function of traffic type, volume, and speed. Generally, noise increases with increased speed and with higher volumes of traffic" (DEIR/S, p. 3.2.7-6); (6) "Noise in the study area is dominated by traffic" (DEIR/S, p. 3.2.7-8); (7) "Noise measurement results indicate that traffic noise levels at various locations along the freeway corridor either approach or exceed the aforementioned NAC [noise abatement criteria] of 67 dBA for frequent outdoor use areas during the peak noise hour" (DEIR/S, p. 3.2.7-8); and (8) "Without any additional barrier protection, noise analysis results indicate that the proposed project would raise noise levels in some areas from 3 to 6 dB compared to the Design Year (2040) No Build Alternative" (DEIR/S, p. 3.2.7-8).

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As defined under Section 15358(a) of the State CEQA Guidelines: "Effects include: (1) Direct or primary effects which are caused by the project and occur at the same time and place. (2) Indirect or secondary effects which are caused by the project and are later in time or farther removed in distance, but are still reasonably foreseeable." Other than the presentation of unsupported conclusions, absent from the SDEIR/S and June 2013 STS is any actual analysis of the potential indirect and secondary impacts resulting from the acknowledgement that significant environmental impacts extend beyond the DEIR/S' original "study area" and include additional and previously unidentified impacts within the "Long Beach study traffic study area" (p. 3-3)." Based on the above DEIR/S excerpts, if there are direct impacts, there is also a likelihood that additional indirect impacts will also exist as a secondary consequence thereof.

The Lead Agency mistakenly asserts that traffic impacts in Long Beach can be examined in isolation, such that one environmental effect has no relationship with any other, as if the direct impacts of traffic did not also produce other secondary impacts, including land use (e.g., "The main purpose of the MPAH [Master Plan of Arterial Highways] is to describe an arterial highway system that effectively serves existing and adopted future land uses," DEIR/S, p. 3.1.1-9), air quality (e.g., "Because CO emissions are produced almost entirely from automobiles, the highest CO concentrations in the basin are associated with heavy traffic," DEIR/S, p. 3.2.6-9; "In urban areas such as the project location, automobile exhaust accounts for most of the CO emissions," DEIR/S, p. 3.2.6-17; "The greatest source of smog-producing gases is the automobile," DEIR/S, p. 3.2.6-17), and noise (e.g., "Generally, noise increases with increased speed and with higher volumes of traffic," DEIR/S, p. 3.2.7-6; "Noise in the study area is dominated by traffic," p. 3.2.7-8).

Notwithstanding the fact that the DEIR/S and the SDEIR/S describe two separate and distinct "study areas," the Lead Agency appears to assert that a newly introduced "Long Beach study traffic study area" (p. 3-3) is warranted for traffic but that no concomitant analysis of indirect and secondary impacts within that new or expanded area need be conducted for any other topical issues included in the project's CEQA/NEPA documentation. As a result, the SDEIR/S contains no analysis of the potential indirect and secondary impacts of newly introduced "significant cumulative traffic impacts" (e.g., "The new information in this Supplemental Draft EIR/EIS results in new CEQA-significant cumulative traffic impacts," p. 1-2), thus producing both an incomplete and fragmented picture of the project's likely environmental consequences.

As indicated in the Public Notice: "This project is considered a Project of Air Quality Concern regarding particulate matter PM₁₀ and PM_{2.5} as defined in 40 CFR 93.123(b)(1). A qualitative PM₁₀ and PM_{2.5} hot spot analysis was completed as required by 40 CFR 93.116 and 93.123, based on U.S. EPA Guidance" [sic]. By inferring that a new analysis will be presented in the SDEIR/S, that statement appears intentionally misleading since the "qualitative analysis" being reference is the one presented in the DEIR/S (i.e., no post-DEIR/S air quality analysis appears to have been performed and none is referenced in the SDEIR/S).

As indicated in the DEIR/S, areas where a carbon dioxide (CO) analysis would be warranted include "[i]ntersections where air quality may be getting worse. . . criteria include increases in vehicles operating in cold-start mode, increases in traffic volumes greater than 5 percent, and a worsening of traffic flow" (DEIR/S, p. 3.2.6-32). In addition, "[i]ntersection reconfigurations may move the roadway closer to receptors and may increase peak-hour traffic volumes. This may result in higher CO concentrations near reconfigured intersections" (Ibid), further contributing to potential air quality impacts.

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While the SDEIR/S and STS identified potentially cumulatively significant traffic impacts at intersections within the "Long Beach study traffic study area" (p. 3-3), no further air quality analysis was conducted with regards to those intersections. Absent any analysis or even a declaration that the DEIR/S examined a worst-case scenario that would not be exceeded in Long Beach, it must be inferred that the Lead Agency seeks to rely on analysis derived from data generated in Mission Viejo (Orange County), more than 16 miles from Long Beach, as indicative of ambient air quality conditions in Long Beach (Los Angeles County) (i.e., "The Mission Viejo Monitoring Station was chosen for this analysis, DEIR/S, p. 3.2.6-38).

Although unsupported conclusory statements are presented in the SDEIR/S with regards to construction (e.g., "Noise and air quality impacts of construction would be temporary and not anticipated to be an adverse effect," pp. 3-69, 3-75, 3-84, 4-27), no analysis of secondary operational impacts has been presented therein. Similarly, neither construction-term nor operational land-use impacts relating, either directly or indirectly, for identified traffic-related impacts are addressed in the SDEIR/S.

The DEIR/S states that "[t]he proposed project would relieve congestion by widening I-405, braiding and reconstructing interchanges, and achieving the following safety improvements within the project limits by reducing: [1] Congestion-related collisions on the mainline of I-405; [2] Collisions within interchanges by adding braided ramps to eliminate traffic weaving maneuvers; [3] Off-ramp queuing onto the freeway mainline; [4] On-ramp queuing onto arterials due to mainline congestion and ramp meter operation" (emphasis added) (DEIR/S, pp. 3.2.6-40 and 41). The Lead Agency touts that the project has safety benefits because it includes "braided ramps"; however, following the release of the DEIR/S, one or more of those "braided ramps have been eliminated.

As indicated in the OCTA's April 2013 Path Forward, the proposed project has been revised. Those revisions include, but may not be limited to, the following changes: (1) "eliminates braided ramps in City of Fountain Valley" (Alternatives 1, 2, and 3); and (2) "truncates express lanes at Euclid Street/Ellis Street, eliminates State Route 73 connector" (Alternative 3) (emphasis added). Although addressed in the December 2012 STS, those revisions are neither identified in the SDEIR/S nor in the June 2013 STS. Additionally, the potential implications of those now proposed changes to those previously proposed "safety improvements" are not addressed in the project's CEQA/NEPA documentation.

The December 2012 STS states that "[t]he study area for the Long Beach Area Traffic Study includes: [1] I-405 from I-605 to Lakewood Boulevard; [2] I-605 from Katella Avenue to Carson Street; and [3] SR-22/7th Street from I-405 to Pacific Coast Highway" (emphasis added) (December 2012 STS, p. 4-1). In contrast, as described in the SDEIR/S: "The Long Beach study traffic study area includes: [1] I-405 from I-605 to Lakewood Boulevard; [2] I-605 from Katella Avenue to Carson Street; and [3] SR-22/7th Street from I-405 to Park Avenue" (emphasis added) (p. 3-3).

As described in the DEIR/S: "The project study area is located within an extensively urbanized area of Orange County with few vacant or undeveloped parcels of land. Eight municipalities are responsible for land use and zoning oversight within the project study area and include the cities of Costa Mesa, Fountain Valley, Garden Grove, Huntington Beach, Los Alamitos, Westminster, Seal Beach, and the County of Orange unincorporated community of Rossmore" (DEIR/S, p. 3.1.1-2). Long Beach is not included among the listing of responsible municipalities. Although CEQA/NEPA may allow for consideration of non-uniform study areas based on project-related

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and cumulative impacts, reasonable justification for consideration of differing analytical areas needs to be provided. No such justification is, however, presented in either the DEIR/S or in the SDEIR/S.

The SDEIR/S states that "[r]eviewers are requested to limit their comments to only information that is provided in this Supplemental Draft EIR/EIS" (General Information About the Project, unpaginated); however, Caltrans' Public Notice contains no such admonishment or limitation. Because all the comments presented herein relate, either directly or indirectly, to traffic-related issues arising from the information presented in or absent from the SDEIR/S and the significance of those primary and/or secondary environmental and socioeconomic impacts, the Lead Agency is obligated to respond to the comments and issues raised herein. "In no case shall the lead agency fail to respond to pertinent comments on significant environmental issues" (14 CCR 15088.5(f)).

The comments and concerns raised herein neither replace nor supersede comments submitted on the DEIR/S and should be considered "new" or "additional" comments submitted in response to the project's CEQA/NEPA documentation. The order in which and labeling of comments herein, including the use of indentation and underlining, is for the City's convenience only and is not intended to represent a prioritization of the relative importance of each comment to Seal Beach or the relative magnitude of its possible implications to the proposed project and the project's associated CEQA/NEPA documentation. Unless otherwise noted, all page references herein are to the SDEIR/S. Additionally, unless otherwise noted, reference to the STS is to the June 2013 version of that document.

As required in Section 15148 of the State CEQA Guidelines, "[t]he EIR shall cite all documents used in its preparation including, where possible, the page and section number of any technical reports which were used as the basis for any statements in the EIR." When other technical material is cited herein which is not a part of the DEIR/S and/or SDEIR/S, the City has endeavored to clearly identify that document (including the author or agency responsible for its publication, the date of publication, and the corresponding page or section number) and, when available on the Internet, provide a webpage citation where that document can be viewed and the information cited independently verified. It is noted that in both the DEIR/S and SDEIR/S, the Lead Agency has not been so diligent.

2.0 RECIRCULATION AND SIGNIFICANT NEW INFORMATION

"EIRs shall be written in plain language" (14 CCR 15140).

With regards to assessing potential environmental impacts, the SDEIR/S is so indecipherable as to prevent any clear understanding of the document's purpose, analysis, and both pre-mitigated and post-mitigated conclusions. On one hand, the Lead Agency states that: (1) "[t]he new information in this Supplemental Draft EIR/EIS results in new CEQA-significant cumulative traffic impacts" (emphasis added) (p. 1-2); and (2) "OCTA will provide a fair share amount of funding for the measures that have been identified as part of this SDEIR/EIS to address significant cumulative impacts to traffic" (emphasis added) (p. 3-84). On the other hand, the Lead Agency states that "traffic and transportation-related direct or indirect cumulative impacts are not anticipated, and no further cumulative impact analysis or additional measures are required. . . the project's contribution to adverse cumulative effects within the Supplemental Draft EIR/EIS study area at the affected locations would be minimized" (p. 3-93). More specifically:

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- With regards to Alternative 1, the Lead Agency states: (1) "the contribution of Alternative 1 to the cumulative impact on the freeway mainline is less than significant" (p. 4-3); (2) "there are no intersections where the contribution of Alternative 1 to the cumulative impacts is significant with the proposed mitigations in place" (p. 4-3); (3) "there are no significant impacts of Alternative 1 on performance or the LOS of the circulation system" (p. 4-4); (4) "Alternative 1 does not contribute to adverse cumulative effects on any study intersection in 2020" (p. 3-66); and (5) "Alternative 1 does not contribute to adverse cumulative effects on any study intersection in 2040" (p. 3-66).
- With regards to Alternative 2, the Lead Agency states: (1) "the contribution of Alternative 2 to the cumulative impact on the freeway mainline is less than significant." (p. 4-12); (2) "there are no intersections where the contribution of Alternative 2 to the cumulative impacts is significant with the proposed mitigations in place" (p. 4-12); (3) "there are no significant impacts of Alternative 2 on performance or the LOS of the circulation system" (p. 4-12); (4) "Alternative 2 does not contribute to adverse cumulative effects on any study intersection in 2020" (p. 3-75); and (5) "Alternative 2 does not contribute to adverse cumulative effects on any study intersection in 2040" (p. 3-75).
- With regards to Alternative 3, the Lead Agency states: (1) "the contribution of Alternative 3 to the cumulative impact on the freeway mainline is less than significant" (p. 4-20); (2) "there are no intersections where the contribution of Alternative 3 to the cumulative impacts is significant with the proposed mitigations in place" (p. 4-20); (3) "there are no significant impacts of Alternative 3 on performance or the LOS of the circulation system." (p. 4-20); (4) "Alternative 3 does not contribute to adverse cumulative effects on any study intersection in 2020" (p. 3-84); and (5) "Alternative 3 does not contribute to adverse cumulative effects on any study intersection in 2040" (p. 3-84).

From the SDEIR/S, it is not even possible to determine what the "new significant information" (e.g., "Caltrans has determined that the Supplemental Traffic Study represents new significant information" [emphasis added], p. 1-2) actually is and whether the "new information" presented therein is, in fact, deemed to be "significant" by the Lead Agency (e.g., "This Supplemental Draft EIR/EIS for the proposed San Diego Freeway Improvement Project provides new information on potential project-related traffic effects within the City of Long Beach" [emphasis added], p. S-1).

The SDEIR/S acknowledges that the "Council on Environmental Quality (CEQ) regulations, 40 Code of Federal Regulations (CFR) Section 1502.9(c) allows agencies to prepare supplements to either a Draft or Final EIS if: (i) The agency makes substantial changes in the proposed action that are relevant to environmental concerns; or (ii) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts" (emphasis added) (p. 1-2). Because the SDEIR/S only discusses "new information," it is assumed that the Lead Agency is neither acknowledging nor disclosing the concurrent existence of "substantial changes in the proposed action" and/or "significant new circumstances." If such conditions exist, they are certainly not identified or described in the SDEIR/S.

"Substantial changes in the proposed action" and/or "significant new circumstances or information" are not necessarily confined to modifications in the physical design of the proposed project and/or the by-product of the Lead Agency's own analysis of project-related and cumulative environmental effects. Such conditions can result from comments raised by stakeholders, the Lead Agency's responses thereto, and/or the introduction of information and

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other relevant material whose subsequent disclosure has (a) substantively bearing on the adequacy and accuracy of the CEQA/NEPA documentation and (b) that was known to the Lead Agency prior to the DEIR/S' release but which was either knowingly withheld or which was not included therein.

"A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. . . 'Significant new information' requiring recirculation include, for example, a disclosure showing that: (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented. (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance. (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it. (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded" (emphasis added) (14 CCR 15088.5(a)). Under CEQA, one of these conditions must exist to predicate recirculation; however, it is unclear which (if any) of these triggers has predicated the release of the SDEIR/S.

The SDEIR/S states that "only those portions of the Draft EIR/EIS that have been modified as a result of the new information are included within the Supplemental Draft EIR/EIS" (p. 1-2). However, since there has been no public disclosure of the Lead Agency's draft responses to stakeholders' comments on the DEIR/S and no opportunity to critique those draft responses under Section 21092.5(a) of CEQA, it would be presumptive for Caltrans to assume that no other comments (including the Lead Agency responses thereto) introduce new information of substantial importance, introduce new environmental effects not previously disclosed, increase the significance of impacts previously identified, introduce new alternatives and/or mitigation measures, and/or raise other substantive issues warranting recirculation of the DEIR/S.

"In no case shall the lead agency fail to respond to pertinent comments on significant environmental issues" (14 CCR 15088.5(f)). Without even having to wait to see the Lead Agency's draft responses to comments on the DEIR/S, by the Lead Agency's own actions (i.e., an explicit or implicit declaration that there exists no other "significant new information" other than as disclosed in the SDEIR/S), it is evident that those responses will merely seek to defend both the work previously performed by Caltrans' and the OCTA's staff and consultants and the righteousness of the DEIR/S' analysis and conclusions and serve as a post-hoc rationalization for the Lead Agency's predetermined outcome. By limiting the context of the SDEIR/S (e.g., "The remaining sections of the Draft EIR/EIS are not included because they do not require modification," p. S-1), the Lead Agency, in essence, states that there is no other "significant new information" necessitating recirculation of the DEIR/S or any additional portion thereof.

The Lead Agency seeks to "piecemeal" not only the geographic extent of its "study area" and "logical termini" but also its "supplemental" environmental analysis to examine only a single issue (e.g., "As a result of comments received on potential traffic effects within the City of Long Beach, Caltrans prepared the Supplemental Traffic Study," p. 1-2) without due consideration of or the requisite "hard look" at: (1) the totality of comments submitted by other stakeholders and any "significant new information" arising therefrom; and (2) an evaluation of the indirect and secondary environmental consequences of that single issue's potential to affect other topical issues examined in the DEIR/S (e.g., land use, air quality, and noise).

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Since OCTA's name appears on the cover of both the DEIR/S and SDEIR/S and is represented as "project sponsor" therein, the OCTA's actions cannot be severed from either the proposed project or from Caltrans' disclosure and analytical obligations under CEQA/NEPA. Although recognizing that OCTA is not presented as the Lead Agency, evidence of fragmentation and/or the existence of a hidden agenda (e.g., OCTA staff's continuing advocacy for and Caltrans' continued endorsement of Alternative 3) can be found in the following extracts from OCTA's administrative record.

- **Identification of a Locally Preferred Strategy (2006).** Based on a more extensive alternatives analysis conducted at that time, the OCTA's "Interstate 405 Major Investment Study Final Report" (OCTA [Parsons], February 2006) (MIS) concluded that: "[MIS] Alternative 4 adds a single general purpose freeway lane in each direction to the I-405 segment from Brookhurst Street to Valley View Street which currently has only 4 such lanes. In order to avoid dropping a lane and creating a potential operational bottleneck, this lane is carried to the I-605 interchange on the north. . . [MIS] Alternative 4 is the Locally Preferred Strategy (LPS) for improvements to I-405 between I-605 and SR-73. The LPS provides for an additional general purpose lane in each direction on the freeway between I-605 and Brookhurst Street. It includes auxiliary lanes linking on-ramps to downstream off-ramps at numerous locations in the corridor" (MIS, pp. 26 and 91).
- **Regional Planning and Highways Committee's Recommendations (2012).** As indicated in the Board packet for their meeting on October 22, 2012 was a memorandum from Wendy Knowles, Clerk of the Board to Members of the Board of Directors (Subject: Selection of a Locally Preferred Alternative for the Interstate 405 Improvement Project between State Route 55 and Interstate 405), dated September 24, 2012, transmitting to the OCTA's Board of Directors the recommendations of the Regional Planning Highways Committee (Committee) as formulated at the Committee's September 17, 2012 meeting. The following "Committee Recommendations" are outlined therein: "(A) Select Alternative 1 as the locally preferred alternative for the Interstate 405 Improvement Project between State Route 55 and Interstate 605 and transmit this selection to the California Department of Transportation. (B) Direct staff to work with California Department of Transportation to ensure the final design of Alternative 1 does not preclude options that may be developed in the future to improve mobility in the corridor. (C) Direct staff to develop a financing plan for Alternative 1 and work with the Finance and Administration Committee on a recommended approach to accelerate the delivery of the project. (D) Direct staff to incorporate Alternative 1 into the Measure M2 M2020 Plan. (E) Direct staff to seek legislative authority through the state of California to construct the project using a design-build procurement and inform the appropriate agencies of Orange County Transportation Authority's decision and intent" (emphasis added).
- **Selection of a Locally Preferred Alternative (2012).** As indicated in the OCTA's April 2013 Path Forward: "On October 22, 2012, the Board selected Alternative 1, the single GP lane, as the locally preferred alternative (LPA). Alternative 1 delivers the M2 Project K scope approved by voters, and also eliminates the need to reconstruct the Fairview Road bridge in the City of Costa Mesa. The approved recommendation also included a design variation to remove braided on- and off-ramp structures between Magnolia Street and Warner Avenue, which eliminates the need for up to four full commercial property acquisitions and business relocations in the City of Fountain Valley. Parking impacts in the City of Westminster have also been greatly reduced through design modifications.

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Alternative 1 does not necessitate the relocation of the soundwall that exists along Almond Avenue in the City of Seal Beach" (emphasis added) (April 2013 Path Forward, p. 3). The identification of Alternative 1 as the LPA demonstrates as a policy-based continuity with the Board of Directors earlier actions arising out of the MIS.

Evidence of OCTA staff's advocacy for Alternative 3 can be demonstrated in the Board of Directors October 22, 2012 agenda. As indicated therein, the OCTA staff presented the following recommendations to the Board of Directors: "(A) Select the modified Alternative 3 as the locally preferred alternative to the Interstate 405 Improvement Project between State Route 55 and Interstate 605 and transmit this selection to the California Department of Transportation for consideration. (B) Direct staff to develop a financing plan for the modified Alternative 3 and work with the Finance and Administration Committee on a recommended approach. Continue to look for financing through mechanisms such as the Transportation Infrastructure Finance and Innovation Act to minimize interest costs. (C) Incorporate the Measure M2 cost of the single general purpose lane, inherent in all build alternatives, into the M2020 Plan, and direct staff to establish separate funding and accounting for express lanes costs and revenues under Alternative 3. (D) Adopt the 91 Express Lanes toll policy for the Interstate 405 Express Lanes, but allow carpools with three or more persons to ride free at all times. Continue to explore opportunities to allow two-person carpools to ride free during non-peak hours" (emphasis added).

The City wishes to extent its appreciation to the OCTA Board of Directors for both its courageous actions not to follow its own staff's recommendations and to implement the voter's Measures M/M2 directives and for its efforts to retain the Almond Avenue soundwall in Seal Beach. However, notwithstanding that clear policy direction, in correspondence from Jim Beil, Executive Director, Capital Projects of OCTA to the City's Director of Public Works, dated June 25, 2013, included herein as Attachment 2 (Correspondence from Jim Beil, OCTA Executive Director, June 25, 2013), OCTA staff continues to focus its attention on the pursuit of other alternatives. In that letter, Mr. Beil states that "[i]f the Mandatory Design Standards for lane and shoulder width on the I-405 are met, the sound wall would be relocated narrowing Almond Avenue from its current 40 foot width to approximately 36 feet west of Almond Park. . . Almond Avenue would be narrowed to between 40 and 34 feet" (emphasis added).

In addition, as outlined in the OCTA's April 2013 Path Forward, the following four "recommendations" are identified: "(A) Direct staff to proceed in accordance with an approach that advances project development of the Measure M2 Project K, which adds one general purpose lane in each direction on Interstate 405 between Euclid Street and Interstate 605. (B) Direct staff to concurrently screen a new concept for improvements to Interstate 405, which adds two general purpose lanes in each direction and also explores converting the existing high-occupancy vehicle lane to a single high-occupancy toll lane. The screening will consider traffic and revenue implications, identify additional right-of-way needed for this concept, and is estimated to cost \$140,000. (C) Direct staff to concurrently screen a new concept for improvements to Interstate 405, which truncates the second northbound general purpose lane of Alternative 2 at Valley View Street. The screening is estimated to cost \$15,000. (D) Direct staff to return to the Board of Directors in September 2013 for further discussion of existing alternatives and to present findings from the analysis of the new concepts" (emphasis added).

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If the OCTA's Board of Directors adopted (October 2012) a policy directive to advance Alternative 1 and retain the existing Almond Avenue sound wall, why is its own Executive Director in April and June 2013 not actively promoting that direction and discussing actions directly contrary thereto? Why does the SDEIR/S not include a letter from the OCTA staff to the Lead Agency requesting Caltrans' implementation of the Board of Directors' October 22, 2012 policy directive? Is not the Board's formal selection of Alternative 1 as the LPA not itself considered "significant new information" under CEQA/NEPA?

Why is no reference to that action included therein? If no such reference to the Board's October 2012 action is presented in the SDEIR/S, why has the project sponsor's decision-making body's request for Caltrans' approval of Alternative 1 been hidden from CEQA/NEPA stakeholders? Why are comments from Long Beach given greater credence that the both the actions of OCTA's Board of Directors and comments submitted by other stakeholders in response to the release of the DEIR/S?

As further described in the OCTA's April 2013 Path Forward, two new build alternatives (Concepts A and B) have been identified and a Caltrans-authored degradation study of the Orange County HOVL system have been submitted. No reference to the Board of Directors' identification and consideration of alternative "Concepts A and B" is, however, presented in the SDEIR/S. Similarly, left unexplained is the criticality of the information presented in the SDEIR/S that its release could not have been delayed pending further discussions of "Concepts A and B."

The April 2013 Path Forward agenda item noted that "[s]hould the Board select a new alternative to the DEIR/EIS within the existing footprint of the three build alternatives previously studied, it would require new technical studies that would need to be incorporated into the DEIR/EIS which would need to be recirculated. A supplemental DEIR/EIS would need to be prepared and a new round of public hearings would need to be carried out with public input recorded and addressed. It is estimated that this additional environmental work could take up to 18 months to complete and cost \$1.7 million." Notably absent from that agenda is any staff discussion regarding the importance of and the role that alternatives analysis plays in both the CEQA/NEPA and decision-making processes, the merits of including or not including "Concepts A and B," and why either or both of those alternatives might warrant further consideration (e.g., effectively addressed a stated public concern).

In the absence of any concurrent discussion of the time and cost to prepare the SDEIR/S or even why that document was required at this time (e.g., "Caltrans, as the Lead Agency, made the decision to disclose this new information to the public by preparing and circulating this Supplemental Draft EIR/EIS," p. S-1) the discussion of time delays and cost overruns appears solely intended to dissuade the OCTA's Board of Directors from pursuing the analysis of new or modified alternatives. While recognizing that schedule and budget considerations are often important consideration, there exists no substantive information in the DEIR/S and SDEIR/S of the relevance of time and money to the formulation and selection of an implementation plan. Those variables have not previously been elevated to the same stature as that indicated in the April 2013 Path Forward. The release of the SDEIR/S appears more likely timed to support staff's argument that another recirculated CEQA/NEPA document would not be warranted.

It is noted that no reference to or information concerning Caltrans' HOVL degradation study is presented in the SDEIR/S. With much appreciation to Fifth District Supervisor Pat Bates for her

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diligent efforts to inform her constituency and provide full disclosure of the activities of the OCTA's Board of Directors, the following information was presented on Supervisor Bates' website (<http://bos.ocgov.com/legacy5/newsletters/volume7/issue14.htm>):

Staff from the California Department of Transportation (Caltrans) gave a presentation to the Orange County Transportation Authority (OCTA) Board of Directors on the Caltrans Statewide High-Occupancy Vehicle (HOV) Degradation Study, which included information about HOV lanes that are degraded within Orange County and the options available to address the degradation. An HOV lane is considered "degraded" when speeds fall below 45 mph for 10% or more of the morning or evening weekday peak hour periods over a consecutive 180-day period. Contained within the federal transportation reauthorization bill (Moving Ahead for Progress in the 21st Century), enacted July 6, 2012, are requirements for state departments of transportation to identify and remedy degraded HOV lanes. The Caltrans study, which has not yet been released in its entirety, identifies portions of the I-405, I-5, SR-65, SR-22 and SR-91 as having degraded HOV lanes. Caltrans recommendations for remedying the degradation include raising the HOV occupancy requirement from 2+ to 3+, adding second HOV/HOT lanes, and converting existing HOV lanes to High-Occupancy Toll (HOT) lanes, including any or all of these recommendations taken together. Unfortunately, Caltrans' presentation lacked adequate detail and did not include specific data by freeway segment. Caltrans is expected to provide this information within the next several weeks (emphasis added).

The above statement differs substantially from the written information presented to the OCTA's Board of Directors on April 22, 2012 (and discoverable to all but those in attendance at that meeting), namely, the declaration that "Caltrans has not determined the method to address HOV degradation on the entire I-405 corridor" (April 2013 Path Forward). Absent Caltrans' disclosure of its HOV degradation study and proposed response, the public is provided no means to reconcile those contradictory statements.

As of July 2008, as presented in "California HOV/Express Lane Business Plan, 2009" (Caltrans, March 31, 2009), with regards to HOV/Ls, Caltrans reported that there were a total of 1,424 existing lane miles and 124 lane miles under construction within the State. As further indicated therein: "According to a report by Caltrans, nearly 50% of the HOV lanes in the state experience periods of degradation in the peak hour according to the federal definition – meaning that average speeds of 45 mph speed or lower have been measured more than 10% of the time" (http://www.accma.ca.gov/Documents/22_136_74A0371_ExpressLaneBizPlan_033109_FINAL_check_2_.pdf). If, as reported, one-half of the State's 1,548 HOV/L miles are already degraded, assuming Caltrans' recommendations apply universally to all degraded HOV/Ls throughout the State and are not limited only to that segment of the I-405 Freeway located in Orange County, from a cumulative environmental perspective, related projects (including other HOV/Ls where the State may mandate raising HOV-occupancy requirements, adding HOV/HOT lanes, and/or undertaking HOV/L-to-HOT/L conversions) producing cumulative environmental effects include 774 HOV/L miles throughout California. Those related projects and those cumulative impacts are not, however, discussed in either the DEIR/S or in the SDEIR/S.

Based on the potential significance of the State's HOV/L-degradation study with regards to the proposed project, the imminent timing of its scheduled release, and the fact that Caltrans is not scheduled to release its response to comments on the DEIR/S until "October 2013" (April 2013

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Path Forward), it is unclear why Caltrans elected to release the SDEIR/S at this time rather than delaying its release a couple of "weeks" so as to allow the SDEIR/S to also include the relevant project-specific information anticipated in that study.

As indicated by the California Senate Transportation & Housing Committee (February 18, 2013), "Caltrans' most recent HOV lane degradation report [was] submitted to FHWA in November 2011 [and] concluded that HOV lane degradation 'may continue to be the result of high traffic demand and congestion across the entire freeway facility'" (http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb_0251-0300/sb_286_cfa_20130328_113404_sen_comm.html). If, as reported by the Senate Transportation & Housing Committee, the degradation study has been available since November 2011, then the withholding of that information while concurrently alleging its potential significance and direct relevancy to the proposed project raises questions as to the motivation behind the lack of disclosure.

The information presented in Attachment 3 (High-Occupancy Vehicle Degradation Study Powerpoint), which purports to be a summation of Caltrans' HOV degradation study appears to bear no relationship to either the Senate Transportation & Housing Committee's or Supervisor Bates' description of that document's content. Similarly, in recognition of its relevancy to the proposed project, it is unclear why a study completed in November 2011 has neither been disclosed as part of the project's CEQA/NEPA documentation nor made fully available to the general public.

3.0 "LOGICAL TERMINI" UNREASONABLY LIMITS ENVIRONMENTAL ANALYSIS

Substantial evidence exists that the "logical termini" identified by the Lead Agency and the identified "study area" misrepresent and/or underestimate the proposed project and its likely environmental effects. With regards to the "study area," referencing a memorandum from Will Kempton, OCTA Chief Executive Officer to Members of the Board of Directors (Subject: I-405 Improvement Project Follow-Up Items), dated October 11, 2012, included in the October 22, 2012 Board packet:

To help define the potential area of benefit for net toll revenues, staff looked at year 3035 morning peak period trips that are expected to use the I-406 corridor project limits and analyzed the origins and destination of those trips. A graph summary of this information was presented to the Board on September 24, 2012 and is included as Attachment B. Four possible project boundaries were evaluated. These boundaries were based on commute shed of the trips using the I-405. Commute shed refers to the area defined by origin and destination points of morning peak period trips that are likely to use the I-405. The various concepts are depicted in Attachment C.

Year 2035 Origin and Destination for I-405 Corridor

Year 2035 Origins	Trips	% of Total Orange County Trip Origins
Total AM Origins: Concept A: 5-Mile Radius	49,000	76%
Total AM Origins: Concept B: 3-Mile Radius	38,000	59%
Total AM Origins: Concept C: Full Corridor 5-Mile Radius	57,400	89%
Total AM Origins: Concept D: Parallel Corridors	58,600	91%

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Year 2035 Destinations	Trips	% of Total Orange County Trip Origins
Total AM Origins: Concept A: 5-Mile Radius	55,100	78%
Total AM Origins: Concept B: 3-Mile Radius	35,839	50%
Total AM Origins: Concept C: Full Corridor 5-Mile Radius	65,640	94%
Total AM Origins: Concept D: Parallel Corridors	66,497	94%

The above table shows that Concepts C and D encompass the majority (90 percent or more) of commuter trip origins and destinations. Therefore, these boundaries cover the bulk of the transportation systems which support the users of I-405 and represent an area where I-405 related investments could be made. Concept D provides for a clearer definition of the boundary as it is defined by the parallel transportation routes. However, Concept C is more consistent with SB 4 as it is defined by the I-405 corridor which is the facility where the revenue-generating improvements will be constructed (emphasis added).

Although an opportunity has not been provided to review the source data and analytical methodologies used to derive the above information, five items are worthy of note: (1) origin-and-destination studies have been conducted by OCTA (but are not included or referenced in the DEIR/S or SDEIR/S) and likely represent a more supportable basis for the establishment of the project's analytical "study area"; (2) the four "concepts" illustrated by OCTA staff (e.g., 5-mile radius, 3-mile radius, full corridor and 5-mile radius, and parallel corridors) differ substantially from the DEIR/S' original "study area" and the SDEIR/S' "Long Beach study traffic study area" (p. 3-3); (3) the "appropriate area where I-405 related investments could be made" (i.e., areas of potentially significant impact) are substantial larger than both the original (DEIR/S) and expanded (SDEIR/S) "study areas" further invalidating the geographically-limited CEQA/NEPA analysis; (4) total VMT traveled will likely exceed the quantities presented in the DEIR/S based on OCTA's acknowledged "commute shed"; and (5) the identified need (defined by the number of trips assigned to the I-405 Freeway) bears no relationship to the traffic projections and number of trips described in the DEIR/S and SDEIR/S.

With regards to "logical termini," Caltrans does not view the I-405 only in the context of a "14-mile" (DEIR/S, p. 2-20) or "15-mile" (DEIR/S, AQR, p. 51) or "16 mile" (DEIR/S, p. 1-12) segment of a larger transportation corridor. Caltrans' "transportation concept reports" (TCRs) is an internal planning document which expresses the agency's judgment on what the characteristics of each State highway should be in response to proposed land uses and projected travel demand over a 20-year planning period. As indicated in Caltrans' (District 12) "Route Concept Report Interstate 405 – San Diego Freeway" (November 1999) (RCR) (<http://www.dot.ca.gov/dist12/planning/pdf/route405.pdf>):

Interstate 405 (I-405) also known as the San Diego Fwy [Freeway] has 24.18 miles located in Orange County and 48.2 miles located in Los Angeles County. It is considered a bypass route to the Santa Ana/Golden State Fwy [Freeway] (I-5). . . I-405 provides access between cities that are located in both Orange and Los Angeles Counties. It is used for commuting and inter-regional travel along with direct and indirect access to employment centers, recreational attractions, shopping malls, medical centers, universities, airports, etc. (emphasis added) (RCR, p. i).

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Caltrans' "Corridor System Management Plan - State Route 22/Interstate 405/Interstate 606 Final Report" (System Metrics Group/Braidwood Associates, August 2010) (CSMP) (http://www.dot.ca.gov/hq/tpp/corridor-mobility/CSMPs/d12_CSMPs/SR%2022-1%20405-1%20606/D12_SR_22_CSMP_Final_Technical_Report_dec2010.pdf) was prepared in response to the voters' approval of Proposition B (The Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006) in November 2006. That ballot measure included a funding program identified as the "Corridor Mobility Improvement Account" (CMIA). In order to receive CMIA funds, California Transportation Commission's (CTC) guidelines required that project sponsors describe (in a CSMP) how mobility gains from CMIA-funded corridor improvements would be maintained, focusing on operational strategies and funded expansion projects.



Initially intended as a mean of prioritizing CMIA funding, CSMPs were subsequently included in the CTC's "Regional Transportation Plan Guidelines." There are presently about 50 CSMPs that have been developed or are in the process of being developed. Within the Los Angeles metropolitan area, Caltrans' network of CSMPs is illustrated in the accompanying graphic (Source: ITSP, Figure H, p. 43). CSMPs within Caltrans' Districts 7 and 12 are listed below.

Corridor System Management Plan (CSMP) Routes			
District	County	Corridor	CSMP Limits
5 & 7	Santa Barbara Ventura	U.S. 101	Winchester Canyon Creek in SB Co. to Rice Ave. in VEN Co.
7	Los Angeles	I-5	ORA/LOA Co. Line to I-710
	Los Angeles	I-6	From I-10 West to I-210
	Los Angeles	I-405	From I-110 to I-5
	Los Angeles	I-210	From SR-57 to I-5
12	Orange	SR-22 I-405 I-605	SR-22 from I-405/I-605 Junction to SR-55; I-405 from I-5 to LA Co. line; and I-605 from I-405 to LA Co. line
	Orange	SR-57	SR-22/I-5 Interchange to LA Co. line
	Orange	I-5	SD Co. line to LA Co. line
	Orange	SR-65	Entire route within District 12
	Orange	SR-91	From I-5/SR-91 separation in ORA Co. to just east of RIV Co. line
	Riverside		

Source: California Department of Transportation, Interregional Transportation Strategic Plan – Review Draft, December 2012, Appendix D
(http://www.dot.ca.gov/hq/tpp/offices/oasp/ITSP_document_FINAL.pdf#zoom=65)

As noted, both District 7 and District 12 have identified an "I-405 Corridor" within their respective boundaries. As indicated in the SDEIR/S, the Lead Agency now acknowledges that significant environmental impacts are not confined to either an agency's managerial boundaries or the project's construction limits. As such, for the purpose of CEQA/NEPA compliance, neither an agency's jurisdictional boundaries nor the edge of planned construction serve as an appropriate geographic indices of the extent and magnitude of significant project-related and cumulatively

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significant environmental effects. When the contiguous "I-405 Corridors" in both District 7 and District 12 are combined into a single management area, the more supportable "logical termini" extends along the I-405 Freeway from the I-5 Freeway on the north to the I-5 Freeway on the south (e.g., "I-405 is considered a bypass route to the Interstate 5 Santa Ana/Golden State Freeway through Orange County," DEIR/S, Noise Study Report, p. 1). By viewing the I-405 Freeway as a north-south freeway and arterial "bypass" and considering the "logical termini" from a functional rather than a construction-defined or jurisdictional perspective, both the project and its potential impacts can be viewed from a systems perspective.

Caltrans' "Draft Final Corridor System Management Plan Orange County SR-22 Comprehensive Performance Assessment and Causality Analysis" (May 4, 2009) (Draft Final CSMP) (http://www.dot.ca.gov/hq/tpp/corridor-mobility/CSMPs/d12_CSMPs/SR%2022-I%20405-I%20605/SR-22%20&%20I-405%20&%20I-605%20CPA.pdf) states that "[o]ver the last few years, Caltrans and its stakeholders and partner agencies have been developing and committing to a framework called 'System Management'... This framework aims to get the most of our transportation infrastructure through a variety of strategies, not just through the traditional and increasingly expensive expansion projects. System Management has been embraced by the Administration as part of their Strategic Growth Plan and by the Southern California Association of Governments, the Metropolitan Planning Organization for Southern California and Orange County" (Draft Final CSMP, p. 3).

In that study, Caltrans identifies a larger "I-405 Freeway corridor" which includes "portions of three state routes, SR-22, I-405, and I-605 in Orange County. The corridor begins at an interchange involving all three freeways at the Los Angeles County border. From there, the corridor runs east along SR-22 (Garden Grove Freeway) to SR-55. The corridor also runs southeast along I-405 (San Diego Freeway) until it reaches I-5 (Golden State Freeway) just outside Irvine. The corridor includes a short, one-mile section of I-605 (San Gabriel River Freeway) as it heads north from the Los Alamitos Curve (SR-22/I-405/I-605) interchange to the Los Angeles County border. . . The portion of SR-22 in the study corridor traverses a large part of Orange County and includes all 13 miles of the freeway from its beginning in Seal Beach (Post Mile R0.000) through Westminster, Garden Grove, and Santa Ana to SR-55 (Post Mile R13.164). . . The portion of the study corridor along I-405 extends 24 miles (Post Mile 0.230 to Post Mile 24.178), paralleling the Orange County coastline from I-5 to SR-22."

Within that area, "[d]uring the AM peak period, only about 44 percent of all trips originate and terminate in Orange County (Zones 1 or 2). The remaining trips originate in Orange County and terminate in another county (26 percent), originate outside Orange County and terminate in Orange County (25 percent), or originate and terminate outside Orange County (6 percent). The picture is similar for the PM peak period, which experiences around 28 percent more demand than the AM. Around 44 percent of trips originate and terminate in Orange County. The remaining trips originate in Orange County and terminate in another county (25 percent), originate outside Orange County and terminate in Orange County (25 percent), or originate and terminate outside Orange County (7 percent)" (Draft Final CSMP, p. 36).

Caltrans' SR-22/I-405/I-605 corridor, which focuses primarily on freeway segments within a single Caltrans' organization district, is less representative of traffic conditions and expected impacts than the linked "I-405 Corridors" in District 7 and District 12 but more encompassing than either the DEIR/S' original "study area" or the SDEIR/S' "Long Beach study traffic study area" (p. 3-3).

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Referencing correspondence from the City of Long Beach (Long Beach) presented to Caltrans in response to the release of the DEIR/S and included as Attachment 4 (I-405 Freeway Improvement Project Letter and Memorandum) herein:

The I-405/I-605/SR-22 interchanges does not seem like a 'logical termini' for the northern segment of the I-405 Improvement Project. Traffic should be further evaluated after the termination of the proposed project's additional lanes to ensure that a choke point does not occur north of the Orange County/Los Angeles County line in the City of Long Beach. The City of Long Beach does not feel that the northern terminus of the proposed project meets the 'logical termini' requirements of the FHWA, as stated in the DEIR/EIS (p. 1-24), thus resulting in an issue of 'segmentation.' The FHWA's discussion of logical termini and segmentation is provided below (The Development of Logical Project Termini, November 1993):

In developing a project concept which can be advanced through the stages of planning, environment, design, and construction, the project sponsor needs to consider a 'whole' or integrated project. This project should satisfy an identified need, such as safety, rehabilitation, economic development, or capacity improvements, and should be considered in the context of the local area socioeconomic and topography, the future travel demand, and other infrastructure improvements in the area. Without framing a project in this way, proposed improvements may miss the mark by only peripherally satisfying the need or by causing unexpected side effects which require additional corrective action. A problem of "segregation" may also occur where a transportation need extends throughout an entire corridor but environmental issues and transportation needs are inappropriately discussed for only a segment of the corridor (emphasis added).

As indicated in the FHWA's Federal-Aid Highway Program Guidance: "The FHWA supports HOV lanes as a cost-effective and environmentally friendly option to help move people along congested urban and suburban routes. As such, FHWA regulations at 23 C.F.R. 810.102 specifically provide that HOV lanes are eligible for Federal-aid participation. In locations where existing or anticipated excess HOV lane capacity is available, conversion to a HOT lane facility is encouraged as a way to increase throughput and to provide additional travel options for drivers. As part of an overall approach to respond to increased travel demand and address traffic congestion, HOV and HOT lanes can be a practical alternative to adding more general-purpose travel lanes. The FHWA encourages the implementation of HOV or HOT lanes as an important part of an area-wide approach to help metropolitan areas address their requirements for improved mobility, safety, and productivity, while also being sensitive to environmental and quality of life issues (emphasis added).

Referencing the FHWA's "NEPA and Transportation Decisionmaking - Developing and Evaluation of Alternatives" (November 15, 2006): "When developing a transportation project, project sponsors should consider how the end points of the action are determined, both for the improvement itself and for the scope of the environmental analysis. Whether the action has 'logical termini' or not is also a concern. Logical termini for project development are defined as rational end points for both a transportation improvement and a review of the environmental impacts" (<http://environment.fhwa.dot.gov/projdev/tdmats.asp>).

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In "NEPA and Transportation Decisionmaking – The Development of Logical Project Termini" (November 5, 1993), the FHWA further noted that: (1) "the termini chosen must be such that: [1] environmental issues can be treated on a sufficiently broad scope to ensure that the project will function properly without requiring additional improvements elsewhere, and [2] the project will not restrict consideration of alternatives for other reasonably foreseeable transportation improvements"; and (2) "Choosing a corridor of sufficient length to look at all impacts need not preclude staged construction. Therefore, related improvements within a transportation facility should be evaluated as one project, rather than selecting termini based on what is programmed as short range improvements. Construction may then be 'staged,' or programmed for shorter sections or discrete construction elements as funding permits" (emphasis added) (<http://environment.fhwa.dot.gov/projdev/tdmtermini.asp>).

The SDEIR/S concludes that "[t]he new information in this Supplemental Draft EIR/EIS results in new CEQA significant cumulative traffic impacts" (p. 1-2). Based on the Lead Agency's own admission, when examining only previously undisclosed impacts to the north of the original "study area" (without consideration of possible cumulative impacts beyond that single expansion area), the information presented in the SDEIR/S demonstrates that the DEIR/S presented an erroneous "logical termini" in that the full extent of project-related and cumulative significant environmental impacts were not disclosed. The statements in the DEIR/S that "[t]he proposed project satisfies the requirements for independent utility and logical termini" (DEIR/S, p. 1-22) and "[t]he project corridor is of sufficient length to adequately address transportation issues" (DEIR/S, p. 1-23) are unsupported by information presented in the SDEIR/S.

Although current law, as set forth in 23 U.S.C. 301, generally provides that, subject to a few exceptions, federal highways "shall be free from tolls of all kinds," evidence demonstrates that concerted efforts are underway by Caltrans to convert many existing HOV/Ls within the Los Angeles-Orange County metropolitan area into HOT/Ls and to construct new lanes to accommodate tolling. Caltrans has failed to examine the broader environmental and socioeconomic implications of those actions at either a Statewide or regional level and has repeated sought to piecemeal (fragment) those improvements and other modifications based on falsely-conceived segmentation.

Rather than addressing the environmental and other implications of the larger fundamental shift in infrastructure financing (e.g., tolling) and the environmental justice and related issues relating to authorizing and encouraging SOVs usage of "express lanes," Although regional environmental impacts (e.g., air quality) do not logically cease at an agency's corporate boundaries, Caltrans seeks to perpetuate the myth that CEQA/NEPA allows a governmental entity to ignore the proven reality (as demonstrated in the SDEIR/S) that "significant" impacts do, in fact, occur beyond the physical limits of the proposed capital improvements and the confines of an agency's jurisdictional boundaries (e.g., Orange County is located within Caltrans District 12 while Long Beach is located within Caltrans District 7).

Because the SDEIR/S demonstrates that roadway improvements are required beyond the boundaries of the original "study area," the "logical termini" asserted by the Lead Agency: (1) misrepresents the nature of the proposed project; (2) fails to encompass the totality of the project's environmental effects; (3) ignores the functionality of the I-405 Freeway; (4) does not consider "related improvements"; and (5) artificially restricts the analysis only to areas of "short range improvements."

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Since the SDIE/S report provides congestion detail at the terminus of the project at I-405 and states the each alternative will impact I-405 north of the I-605 interchange, it does not provide information these impacts to the traffic as it reaches saturation at the I-605 interchange and what happens to both the general purpose lanes and the HOV lanes. However, a discussion is provided that provides mitigation in terms of cash value to Caltrans for future use to improve the affected I-405 interchanges north of I-605, without mitigation measures proposed for the terminus at the I-605 interchange. The City is requesting development of a traffic model to determine the impacts to traffic flow at the County Line, absence of I-405 improvements, and north of the I-605 for each Alternative.

4.0 JUNE 25, 2013 LETTER FROM PROJECT SPONSOR

In response to its extensive comments on the DEIR/S, the City was surprised to receive a letter from Jim Beil, Executive Director, Capital Projects of OCTA, dated June 25, 2013. That letter was submitted by the "project sponsor" and not the Lead Agency and dealt with decisions already made with regards to the proposed project. As noted therein, "OCTA and Caltrans staff are preparing the supplemental draft environmental impact report/environmental impact statement that is scheduled to be circulated for public review and comment in summer 2013" (emphasis added).

It is noted that the SDEIR/S includes no reference to OCTA's role in the preparation of that document and the document contains no list of "persons, firms, or agencies preparing the draft EIR" (14 CCR 15129) or "list the names, together with their qualifications, of the persons who were primarily responsible for preparing the environmental impact statement" (40 CFR 1502.17). Because the "project sponsor" is not an impartial observer, it would appear a potential conflict of interest for that entity or parties under contract to that entity to: (1) prepare, on behalf of the Lead Agency, responses to comments relating to the project that the "project sponsor" seeks to undertake; (2) expect a party with a vested interest in the project to objectively respond to criticisms regarding the manner in which the project has been managed and the adequacy of the project's CEQA/NEPA compliance; (3) determine whether further mitigation or other project conditions are warranted, particularly if such actions were to increase project costs or result in scheduling delays; and (4) endorse new or modified alternatives whose introduction might necessitate additional recirculation of the DEIR/S.

Although the OCTA is identified as a joint preparer of the SDEIR/S, the document's authors failed to note that the OCTA's Board of Directors selected Alternative 1 as the LPA on October 22, 2012. As indicated on the OCTA's website (<http://www.octa.net/pdf/actions102212.pdf>), the Board of Directors took the following actions: "The board selected Alternative 1 for the Interstate 405 Improvement Project, choosing to add one general-purpose lane in each direction on the freeway between Euclid Street and I-605. The project to date, has taken nearly 10 years of planning with significant input from local and regional stakeholders. At the meeting, the board voted on all three alternatives and Alternative 1 passed with a 12-4 vote. The implementation of Alternative 1 will help to reduce congestion and increase mobility while minimizing environmental impacts and right-of-way acquisitions. The \$1.3 billion project will be funded through Measure M2, the half-cent sales tax for transportation improvements. OCTA's selection of the locally preferred alternative will be forwarded to Caltrans for final review and approval."

In correspondence from Jim Beil, OCTA's Executive Director to Sean Crumby, Seal Beach's Director of Public Works, dated June 25, 2013 (prior to the release of the SDEIR/S on June 28, 2013 but subsequent to the actions of the OCTA's Board of Directors), OCTA stated, in part:

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Project plans for the three build alternatives have differing impacts to the soundwall: Project Alternatives 1 and 3 would not necessitate the reconstruction of the soundwall as both alternatives provide just one additional general purpose (GP) lane at this location. Alternative 2, however, does necessitate reconstruction of the existing soundwall as this alternative provides two additional GP lanes on I-405 along Almond Avenue, thus requiring some minimal additional right-of-way to accommodate the second GP lane. . . [T]he City proposed that the Project include non-standard features such as reduced widths for lanes and shoulders in order to reduce the Project footprint and eliminate the need to reconstruct the soundwall. Orange County Transportation Authority staff and consultants have met with the California Department of Transportation, City staff, and consultants to review these proposals. Based on discussions with Caltrans, there is no justification to substantiate approval for any of the three proposed design exceptions to the mandatory design safety standards that would be required to leave the soundwall in place with Alternative 2. Approval of the design exceptions must consider the tradeoffs between meeting the mandatory design safety standards on I-405 and the impacts to Almond Avenue. . . State approvals of mandatory design safety standard exceptions are contingent upon implications to safety when not meeting standards. There are no safety implications related to the removal of parking on the south side of Almond Avenue. In comparison, this section of I-405 has the highest accident concentrations in Orange County. Maintaining design standards on I-405 significantly outweighs the minimal impacts to Almond Avenue when it comes to safety. . . Alternative 2 will maintain one lane of traffic in each direction and parking on both sides of the street with the exception of approximately 100 feet where parking will only be feasible on one side of the street. This appears to be in general compliance with the City's Municipal Code (emphasis added).

Mr. Bell's declaration that "this section of I-405 has the highest accident concentrations in Orange County" appears to contract the DEIR/S, which states, for existing conditions, "the actual accident rates in both directions of the entire 14.9 miles of I-405 are lower than the statewide average for similar facilities" (DEIR/S, p. 3.1.6-27). Contrary to the provisions of Section 149 of the Streets and Highways Code, noticeably absent from the DEIR/S and SDEIR/S is any "safety analysis" assessing post-project conditions.

The receipt of correspondence from OCTA rather than Caltrans creates confusion and raises questions concerning the roles and responsibilities of those two agencies with regards to the CEQA/NEPA process. This confusion is highlighted by the following additional facts: (1) OCTA's and Caltrans' name appears on the cover of both the DEIR/S and SDEIR/S; (2) virtually no information about the proposed project and the project's CEQA/NEPA documentation is available on Caltrans' website while substantial information can be found on OCTA's website; (3) the consulting firms preparing the DEIR/S (e.g., Parsons, Albert Grover & Associates, Group Delta Consultants, Paragon Partners, Psomas, TEC Management, and URS Corporation), as listed in Chapter 6 (List of Preparers) in the DEIR/S, are working under contract to OCTA (Contract No. C80893) rather than Caltrans; (4) with regards to the SDEIR/S, although the affiliation of the members of the "Report Preparation Team" (p. 7-1) are not listed, at least two of the four individuals listed (i.e., Neal Denno and Raizalyn Lubong) where listed as being affiliated with Parsons in the DEIR/S (DEIR/S, p. 6-6), suggesting that the SDEIR/S was also prepared by OCTA's vendors; and (5) the Public Notice directs stakeholders to submit comments electronically to "405.Supplemental.Draft.EIR.EIS@parsons.com."

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Why is the "project sponsor" and not the Lead Agency the governmental entity formally responding to a request from a Participating Agency (NEPA) and a Responsible Agency (CEQA) to the CEQA/NEPA Lead Agency relative to a request for a "design exception" (alternatively a "mitigation measure" of "condition of project approval") on a highway under Caltrans' jurisdiction?

Applicable statute and regulations dictate that Caltrans (as the CEQA/NEPA Lead Agency) is responsible for the preparation of written responses to comments received on the DEIR/S, environmental determinations under CEQA/NEPA, and the selection of the facility's physical design and operational attributes. Notwithstanding those obligations, it was the "project sponsor" and not the CEQA/NEPA Lead Agency that notified the City that: (1) "there is no justification to substantiate approval for any of the three proposed design exceptions to the mandatory design safety standards that would be required to leave the soundwall in place with Alternative 2"; (2) "[m]aintaining design standards on I-405 significantly outweighs the minimal impacts to Almond Avenue when it comes to safety"; (3) that "there is no justification to accept the proposed design exceptions to mandatory design safety standards"; (4) "[t]here are no safety implications" relating to impacts along Almond Avenue; and (5) that the reducing in Almond Avenue right-of-way is in "general compliance with the City's Municipal Code."

Those determinations ("no justification"), that delicate balancing ("outweight") of a broad array of environmental and socioeconomic considerations, and that interpretation ("general compliance") of the City's existing municipal policies by an entity other than the Seal Beach City Council all occurred outside any CEQA/NEPA context, by an agency other than the Lead Agency, by an agency other than the one possessing management and maintenance responsibilities over the affected roadway, by an agency will an economic interest in the project, and whose decision-making body has explicitly endorsed Alternative 1 as the LPA and the retention of the Almond Avenue soundwall.

As indicated in the Board's agenda packet for its October 22, 2012 meeting (Subject: Selection of a Locally Preferred Alternative for the Interstate 405 Improvement Project Between State Route 55 and Interstate 605): "Staff is recommending the Board select the modified Alternative 3 as the LPA for the I-405 Improvement Project between SR-55 and I-605, and submit the LPA to Caltrans" (October 22, 2012 Agenda Packet, p. 12). Although program staff may disagree with the Board's decision, public policy requires that agency staff must nevertheless implement the directives of its own decision-making body. OCTA staff only needs to look toward the actions of its own Board of Directors for the requisite justification ("no justification"). By ignoring the Board's own vote and policy directive selecting Alternative 1 as the LPA and endorsing the preservation of the existing Almond Avenue soundwall, it would appear that that OCTA staff is acting contrary to and promoting an agenda (e.g., relocation of the existing Almond Avenue soundwall) which is divergent from that of its own Board of Directors.

Conversely, as described in "Fact Sheet: Exceptions to Advisory Design Standards -- I-405 Improvement Project" (Caltrans, April 2012) (Fact Sheet), Caltrans has "approved" a number of Advisory Design Exceptions, including, but not necessarily limited to the following: (1) Advisory Design Exception No. 1: HDM [Highway Design Manual] Index 101.1 - Selection of Design Speed; (2) Advisory Design Exception No. 2: HDM Index 202.5(1) & 202.5(2) - Superelevation Transition; (3) Advisory Design Exception No. 3: HDM Index 202.6 - Superelevation of Compound Curves; (4) Advisory Design Exception No. 4: HDM Index 203.5 - Compound Curves; (5) Advisory Design Exception No. 5: HDM Index 203.6 - Tangent Length between Reversing Curves; (6) Advisory Design Exception No. 6: HDM Index 204.3 - Minimum Grade;

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(7) Advisory Design Exception No. 7: HDM Index 502.2 - Isolated Off Ramps & Partial Interchanges; (8) Advisory Design Exception No. 8: HDM Index 504.3(3) - 4% Max Grade at Ramp Terminal; (9) Advisory Design Exception No. 9: HDM Index 504.3(6) - Two-Lane Exit Ramps; (10) Advisory Design Exception No. 10: HDM Index 504.7 - Weaving Section Capacity; and (11) Advisory Design Exception No. 12: HDM Index 504.8 - Access Rights Opposite Ramp Terminals. Safety considerations were likely a factor in assessing each exception (e.g., "At a minimum, it is not expected that the proposed project would contribute to an increase in accidents or compromised safety along the corridor," Fact Sheet, p. 28).

Although "this section of I-405 has the highest accident concentrations in Orange County," absent from the Fact Sheet is any evidence of a detailed safety analysis for the eleven "design exceptions" which have already been "approved" by Caltrans. It is further unclear how any "approval" has occurred prior to: (1) Caltrans' selection of which alternative will be pursued; and (2) completion of the CEQA/NEPA process. The City would assert that Seal Beach's requested "design exceptions" introduce no greater safety considerations that the eleven exceptions already endorsed by Caltrans and outlined above.

5.0 ADDITIONAL SUPPORT FOR SEAL BEACH'S REQUESTED DESIGN EXCEPTIONS

Pursuant to Caltrans' "Updated Managed Lane Design" (April 7, 2011): "Geometric design of managed lane projects, including lane and shoulder widths, shall conform to the HDM [Highway Design Manual]. Deviations from the requirements of the HDM shall be evaluated and approved on a case-by-case basis in the manner prescribed in HDM Index 82.2. Section 3.10 of the HOV Guidelines provides a priority listing for reductions in cross-sectional elements for various managed lane configurations. This priority listing shall be utilized in the development of managed lane projects where reductions to cross-sectional elements are deemed necessary" (emphasis added).

Seal Beach has determined that the relocation of the Almond Avenue soundwall and the reduction of the Almond Avenue right-of-way would significantly impact the residents of the College Park East neighborhood and the safety of vehicular and non-vehicular usage of Almond Avenue. As such, the City-recommended design exceptions sought to not foreclose the ability of Caltrans to select and implement Alternative 2 but allow that action to occur in a manner which would neither necessitate the relocation of that soundwall nor adversely impact that established residential area. In order to accommodate both objectives, design variations were identified and those or similar exceptions were "deemed necessary" by the City.

As indicated above, Caltrans' existing policies allow for approval of design exceptions on a "case-by-case basis" (e.g., when conditions warrant). Eleven such exceptions have already been approved. Similarly, design plans initially proposed to enhance safety (e.g., "adding braided ramps to eliminate traffic weaving maneuvers, DEIR/S, pp. 3.2.6-40 and 41) have subsequently been eliminated from the project. However, each proposed Alternative requires both Mandatory and Advisory Design Exceptions in conformance with the Highway Design Manual, Chapter 80. Chapter 2 of the Supplemental Draft EIR/EIS report discusses the need for mandatory and Advisory Design exceptions and details the number required for each. These are provided below as reference:

Alternative 1: Nine Mandatory and 18 Advisory exceptions

Alternative 2: Nine Mandatory and 17 Advisory (including reduction of 12-foot lanes to 11-foot lanes) exceptions

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Alternative 3: Nine Mandatory and 20 Advisory exceptions

A list of exceptions or document reference was not provided in order to review the Design Exceptions. This is a critical document for the traffic study and should be included.

Researchers at the University of California Irvine and California State University, Long Beach have concluded that slimmer and slower highways, with extra lanes, are a better investment in urban areas than the American Association of State Highway Transportation Officials (AASHTO) recommended standard of 12-foot (3.65-meter) wide travel lanes and 10-foot (3.05-meter) wide shoulders on each side of two directional roadways. In "Optimizing Road Capacity and Type" (Small, Kenneth A. and Ng, Chen Feng, June 1, 2013), included in Attachment 5 (Optimizing Road Capacity and Type) herein, the authors conclude:

[T]hat typical freeways in large urban areas are over-designed for free-flow speed at the expense of capacity. This arises largely from the finding that the cost elasticity for increasing free-flow speed is, on average, more than three times that for expanding capacity (roughly 1.4 vs. 0.4); as a result even modest amounts of congestion favor incremental investments in capacity relative to free-flow speed. While the optimal road configuration is very case-specific, we can state a more general policy conclusion: road design needs to allow for variety and flexibility, rather than being constrained to meet a predetermined set of standards such as those for US Interstate Highways

The report concludes that "empirical analysis provides suggestive evidence that in many large congested cities, standard expressway designs are unbalanced in the sense of providing more free-flow speed than is desirable relative to capacity; whereas the same is not true for urban streets and arterial highways. This observation in turn suggests giving greater attention to the possibilities of more low-footprint roads which offer considerable capacity even though speeds are only moderate even at low traffic levels."

6.0 SUBSEQUENT PROJECT MODIFICATIONS

6.1 HOVL Degradation

For HOVLs, the "minimum average operating speed" is defined in 23 U.S.C. 166(d)(2)(A) as 45 miles per hour (mph) for a facility with a speed limit of 50 mph or greater and not more than 10 mph below the speed limit for a facility with a speed limit of less than 50 mph. Facility "degradation" is defined in Section 166(d)(2) as one that does not meet minimum average operating speed of 45 mph for 90 percent of the time during a 180-day morning or evening weekday peak-hour period (or both for a reversible facility) in the case of a HOV facility with a speed limit of 50 mph or greater or not more than 10 mph below the speed limit in the case of a facility with a speed limit of less than 50 mph.

Under H.R. 4248 (Moving Ahead for Progress in the 21st Century) (MAP-21), as signed by the President on August 6, 2012, Section (d)(D) prescribes that the State has 180 days following notice of degradation to "bring the facility into compliance with the minimum average operating speed performance standard through changes to operation of the facility, including: (1) increasing the occupancy requirement for HOV lanes; (2) varying the toll charged to vehicles under subsection (b); (3) discontinuing allowing non-HOV vehicles to use the HOV lanes under subsection (b); or, (4) increasing the available capacity of the HOV facility." Pursuant to Section

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(d)(E) therein, "[i]f the Administrator determines that a State has violated or failed to comply with the Federal laws or the regulations in this part with respect to a project, he may withhold payment to the State of Federal funds on account of such project, withhold approval of further projects in the State, and take such other action that he deems appropriate under the circumstances, until compliance or remedial action has been accomplished by the State to the satisfaction of the Administrator." As authorized therein, the Secretary of Transportation can prescribe penalties, such that if the state fails to bring a facility into compliance, then the Secretary shall subject the state to appropriate program sanctions under Section 1.36 of Title 23 (or successor) until the performance is no longer degraded. As noted in the FHWA's Federal-Aid Highway Program Guidance:

State agencies with jurisdiction over HOV facilities hold the sole authority to set occupancy requirements and to implement any of the HOV occupancy exceptions under 23 U.S.C. 166(b). There is no discretionary decision or any approval action to be made by the FHWA in these areas, except where a State wishes to exclude motorcycles or bicycles from an HOV lane under 23 U.S.C. 166(b)(2)(B). As such, NEPA does not apply to the States' actions in setting the occupancy requirements or implementing any of the HOV occupancy exceptions, including converting HOV lanes into HOT lanes under 23 U.S.C. 166(b)(4). Only when other factors, such as Federal-aid funding or a need to amend previous commitments, give rise to a FHWA approval must the FHWA perform a NEPA evaluation (emphasis added).

Based on those provisions, independent of the alternative selected under the current CEQA/NEPA process, it would appear that Caltrans, absent any subsequent NEPA review and concurrent public participation, retains the authority to implement a HOV-to-HOT lane conversion at any later date. It is uncertain whether a local governmental entity, such as OCTA, could so condition the project as to preclude such later actions or whether any such preclusion would bind subsequent administrations. As further indicated therein:

Much of the legislation pertaining to tolling is included in MAP-21 Section 1512 'Tolling', which amends Section 129 of Title 23 U.S.C. MAP-21 has removed the requirement for an agreement to be executed with the U.S. DOT [United States Department of Transportation] prior to tolling under mainstream tolling programs, though such agreements will still be required under any toll pilot programs. Specifically, the tolling of new Interstates and added lanes on existing Interstates are now mainstreamed; previously these conditions existed under the Interstate System Construction Toll Pilot Program and the Express Lanes Demonstration Program, both of which no longer exist.

As such, it is unclear whether the requisite legislation identified in the DEIR/S (e.g., "If Alternative 3 is selected for construction, authority to operate the tolled Express Lane component of the alternative would be needed from the state legislature. Authority to operate a toll facility on the Interstate Highway System would be required from FHWA," DEIR/S, p. 1-19) is still required. If not, then the change in implementing legislation constitutes additional "significant new information" requiring disclosure in the SDEIR/S.

With regards to the proposed project, neither the DEIR/S nor the SDEIR/S explicitly describe what "factors" trigger the need for NEPA compliance and what federal actions may occur following CEQA/NEPA compliance without triggering further NEPA review. An understanding of

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those actions is necessary to determine whether the Lead Agency has met any associated burden of proof that may be required for those actions.

6.2 Decision to Toll

At a community meeting conducted in Seal Beach on July 9, 2013, with representatives of the OCTA in attendance, members of the public asked City representatives "When will decisions concerning which alternative Caltrans will implemented be made?"

In response, it was the City's apparently mistaken belief that that decision will be made at the end of the current CEQA/NEPA process. However, as noted in the Federal-Aid Highway Program Guidance, the FHWA notes that: (1) "The decision to toll as part of a 'reconstruction' project may occur anytime up until the completion of all work under the contract for the physical construction of the project. If a the physical construction of the location to be tolled is to be conducted under multiple contracts, then the decision to toll may occur anytime up until the completion of the final contract comprising the reconstruction activities" (emphasis added). (2) "The decision to toll lanes that are added to any existing free facility through initial construction, reconstruction, rehabilitation, or restoration, so long as the facility has the same number of free lanes after construction as it did before, may occur any time up until the new lanes are open to traffic" (emphasis added). (3) "Decisions regarding the amount of toll rates are to be made solely by the State DOT [Department of Transportation] or other qualified public authority. These decisions require no review, input or oversight by the FHWA" (emphasis added).

As a result, independent of which alternative is selected by OCTA and Caltrans, subsequent decisionmakers appear to have the authority to materially alter that initial selection and implement a tolled facility along the I-405 Freeway at any time up until the date the facilities are operational. Since construction is estimated to require approximately 4-1/2 years, assuming Caltrans acts on the CEQA/NEPA document in "September 2013" (April 2013 Path Forward), the I-405 Freeway could be converted to a HOTL project at any time before around February 2018.

Absent from the DEIR/S and SDEIR/S is any reference to or discussion of what authorization may be provided (under statute or agency procedures) to subsequent boards and/or executive staffs which would allow those parties to materially alter any decisions by current boards and current officials with regards to the proposed project. Since once "new" or "reconstructed" lanes would already be in place (e.g., changes to the physical environment have been completed), subsequent operational changes (e.g., HOV-to-HOT lane conversion) appears exempt from CEQA/NEPA and can, therefore, occur with minimal fanfare and outside public scrutiny. The flexibility provided under statute allowing for subsequent HOV-to-HOT lane conversion gives further credence to the need to examine the proposed project in a substantially broader, system-wide perspective.

Additionally, the DEIR/S does not address the traffic congestion from the OC/LA County Line to SR-73. The main focus of this report is the impacts to the City of Long Beach intersections adjacent to the "project". Missing from the analysis data is the impacts to the congestion at the County Line before and after the I-605 Interchange. The report discusses four (4) accomplishments of Alternative 3 which includes the following:

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2. Enhance Operations

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3. Increase mobility, improve trip reliability, maximize throughput, and optimize operations
4. Minimize environmental impacts and ROW acquisitions

Since the Supplemental Draft EIR/EIS does not include the corridor information such as level of service, v/c ratios, d/c ratios, link level of service, or a discussion of "F" versus "F ++", the ability to quantify the four accomplishments of Alternative 3 cannot be verified. The information previously provided in the December 2012 Supplement Traffic Study should be included and compared to the Supplemental Draft EIR/EIS defined accomplishments for Alternative 3 to quantify them.

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cont.

Is Seal Beach correct in its interpretation of the above provisions, namely that a subsequent decision by a federal agency could materially alter the nature and operational characteristics of any actions that may be taken by Caltrans with regards to the proposed project? Would a later HOV-to-HOT lane conversion require any additional CEQA/NEPA analysis? If there are no requirements for subsequent or supplemental environmental review prior to such conversion, why is the DEIR/S and SDEIR/S not defective based on its failure to disclose and analyze that scenario? What local, State, or federal agencies could initiate that subsequent change?

7.0 SUPPLEMENTAL DEIR/S AND SUPPLEMENTAL TRAFFIC STUDY

7.1 General Comment

Alternative one, Alternative 2, and Alternative 3 requires both Mandatory and Advisory design Exceptions. Most notably is Alternative 2 where the "Project" is proposing 11-foot mainline lanes from Seal Beach Boulevard to SR-22 to avoid the Seal Beach Naval Weapons Station. Eleven foot mainline lanes were proposed by the City of Seal Beach for the northbound direction between SR-22 and the Seal Beach Boulevard interchange. This request was denied in a letter dated June 25, 2013 from Mr. Jim Bell, Executive Director, Capital Programs, to Mr. Sean Crumby, Director of Public Work for the City of Seal Beach. As referenced in Attachment A, the City proposed 11-foot lanes were denied based upon the safety implications and shown in the accompanying table showing that the HDM standard for travel lanes is 12-feet. But it does not address the 11-foot lanes proposed by the project in the same area. If the project is considering 11-foot lanes, the same consideration should also be given to the City of Seal Beach's request for the same design exception. See Page 2-5, second paragraph

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The section labeled "Transportation System Management/Transportation Demand Management Alternative" does not provide very much detail in supporting other mode of transportation to reduce overall SOV's or traffic congestion. In addition, this section focused on TDM opportunities for local roadways and not the affected freeways. This section should be expanded to include the freeways and detailed local streets affected by the project.

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Finally, Section 3.1 "Traffic and Transportation Facilities" does not elaborate on the project impacts to Long Beach. With the background traffic and development within the Long Beach area, traffic is expected to increase. Yet, no discussion on how this project will create new trips within this area. A detailed analysis and discussion for this impact is requested.

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7.2 Incomplete Project Description

"Project" means the whole of the action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the

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environment, and that is any of the following: (1) An activity directly undertaken by any public agency including but not limited to public works construction and related activities clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100-65700. (2) An activity undertaken by a person which is supported in whole or in part through public agency contacts, grants, subsidies, loans, or other forms of assistance from one or more public agencies. (3) An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies" (emphasis added) (14 CCR 15379[a]).

Because key aspects of the proposed project remain undefined, it is not possible to accurately assess potential project-related and cumulative environmental effects. For example, in response to an inquiry from the OCTA Board of Directors regarding the use of "net toll revenues," it is apparent that not all aspects of the proposed project have been described or analyzed in the DEIR/S and SDEIR/S.

Referencing a memorandum from Will Kampton, OCTA Chief Executive Officer to Members of the Board of Directors (Subject: I-405 Improvement Project Follow-Up Items), dated October 11, 2012, included in the October 22, 2012 Board packet:

Staff proposes to review the I-405 Major Investment Study (MIS) and the Central County Corridor MIS to develop an initial inventory of projects. The projects will include freeway, transit, and arterial highway system improvements. Staff will also use the OCTA Long Range Transportation Plan to further refine the projects and relative priorities. The initial listing of work can be completed within 60 days of Board approval of an I-405 alternative (emphasis added).

Absent from the DEIR/S and SDEIR/S is any discussion or analysis of the intended or likely use of toll revenues under Alternative 3. If additional revenues are projected over those associated with capital costs and debt service and if those funds are to be used for other "freeway, transit, and arterial highway system improvements," the environmental impacts of those revenue expenditure need to be addressed as part of the project's CEQA/NEPA documentation.

7.3 Corridor System Management Plan

As indicated in the Draft Final CSMP: "Major bottlenecks are the primary cause of corridor performance degradation and the resulting congestion and lost productivity. It is important to verify the actual location and cause(s) of each major bottleneck to determine traffic operational problems. . . . By definition, a bottleneck is a condition where traffic demand exceeds the capacity of the roadway facility. In most cases, the cause of bottlenecks is related to a sudden reduction in capacity, such as roadway geometry, heavy merging and weaving, and driver distractions; or a surge in demand that the facility cannot accommodate. In many cases, it is a combination of increased demand and capacity reductions" (Draft Final CSMP, p. 155).

Caltrans' recognized that "bottlenecks are generally the major cause for mobility and productivity performance degradations and are often related to safety degradations as well" (Draft Final CSMP, p. 2). If bottlenecks adversely affect mobility and contribute to congestion, then any plans whose goal is to "reduce congestion" and "increase mobility" (DEIR/S, p. 1-5) would need to focus on the elimination of existing bottlenecks (choke points) and the avoidance of the creation of new ones.

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Citing the I-605/I-405 Interchange as an existing bottleneck (e.g., "[t]he I-605 has a potential bottleneck location at the I-405 Interchange in both peak periods." Draft Final CSMP, p. 201), Caltrans states that "[d]uring the PM peak hours, the traffic from the I-605 at about 3,100 vph [vehicles per hour] merges with the southbound I-405 traffic carrying about 6,500 vph in 4 lanes, for a total of over 9,600 vph in five lanes, as the outer lane is dropped. This lane drop results in the mainline traffic over the threshold level creating the bottleneck condition and resulting traffic congestion" (emphasis added) (Draft Final CSMP, p. 183). In addition, with regards to the larger "corridor" area examined therein, Caltrans identified the following pre-project bottlenecks:

State Route 22

Eastbound Bottlenecks. Starting from the Los Angeles/Orange County Line and moving eastbound, the following bottlenecks were found: [1] Euclid On – This bottleneck occurs when there are high volumes on the on-ramp and mainlines. [2] Harbor On – This bottleneck also occurs when there are high volumes on the on-ramp and mainlines. [3] Fairview On – A lane drop causes vehicles to weave between the Fairview onramp and the City Drive/I-5, creating the bottleneck. [4] I-5 Off/City Drive IC – The inability of the exit facility to accommodate the demand creates this bottleneck. [5] I-5 On/Town and Country Off – Heavy cross-weaving between the I-5 on-ramp and Town and Country exit contributes to this bottleneck.

Westbound Bottlenecks. Starting from SR-55 and moving westbound, the following bottlenecks were identified: [1] Northbound I-5 On-Ramp – This bottleneck relates to high volumes and cross-weaving and queuing of vehicles destined for SR-22. [2] Garden Grove On – Congestion and queuing can be seen from the southbound I-5 connector on-ramp. [3] Valley View Off – A lane drop from four to three lanes contributes to this bottleneck. [4] I-405 On-Ramp – This bottleneck relates to a lane drop from three to two lanes and cross-weaving of vehicles destined for I-405

Interstate 405

Northbound Bottlenecks. Starting from I-5 and moving northbound, the following bottlenecks were identified: [1] Sand Canyon Off-ramp: A lane drop contributes to this bottleneck location. [2] Jeffrey/University On-ramp: Consecutive on-ramp merges contribute to this bottleneck location. [3] SR-73/Fairview On-ramp: An uphill grade and reduced mainline capacity creates a bottleneck. [4] Euclid On-ramp: Weaving at this location creates a bottleneck. [5] Brookhurst On-ramp: A platoon of vehicles from the collector/distributor contributes to this bottleneck. [6] SR-39 On-ramp: The platoon of vehicles from the collector/distributor also contributes to this bottleneck. [7] SR-22 On-ramp: A lane drop on the SR-22 ramp does not provide enough capacity for the vehicles merging on the I-405 mainline.

Southbound Bottlenecks. Starting from the Los Angeles/Orange County Line and moving southbound, the following bottlenecks were identified: [1] I-605 On-ramp: A lane drop occurs at the I-405 merge reducing the total lanes from six to five lanes. [2] Seal Beach On-ramp: Although not a major bottleneck location, congestion occurs as a result of cross-weaving between the Seal Beach Boulevard on-ramp and SR-22 off-ramp. [3] Valley View/SR-22: High demand likely contributes to this bottleneck location. [4] SR-39 On-ramp: Consecutive on-ramp merges occur at this location. [5] Warner On-ramp: This location is the most significant bottleneck on this corridor with queues extending for many miles. [6] Talbert On-ramp: The

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mainline capacity cannot accommodate the flow of vehicles during the peak hours. [7] Bristol Off-ramp: Cross-weaving traffic between two ramps contributes to this bottleneck location. [8] MacArthur Off-ramp: Consecutive SR-55 on-ramp merges contributes to this bottleneck. [9] Culver On-ramp: The mainline cannot accommodate the flow from back-to-back merges. [10] Jeffrey/University On-ramp: Again, the mainline cannot accommodate the flow from back-to-back merges. [11] Sand/Shady Canyon On-ramp: The high demand on the on-ramp combined with the already high demand on the mainline creates this bottleneck.

Interstate 605

Southbound Bottleneck. Southbound I-405 On-ramp: this bottleneck location occurs during the PM peak as a result of lane drop that occurs after the I-405 merge (emphasis added) (Draft Final CSMP, p. 126-128).

As indicated above, a number of conditions can cause or contribute to the creation of bottlenecks, including: (1) lane drops and lane merges; (2) weaving and cross-weaving; (3) capacity limitations and reductions; and (4) high traffic demands. Where these conditions exist or are created, choke points can be established causing traffic to backup, level of service conditions to drop, and creating additional safety concerns.

In the Draft Final CSMP, Caltrans examined bottlenecks attributable to existing HOV facilities. These bottlenecks were primarily associated with ingress/egress locations and were the result of speed differentials between the HOV and GP lanes. Specifically, Caltrans noted that:

[V]ehicles on the HOV lane that intend to exit the corridor must stop to squeeze into the mainline congested traffic stream. Similarly, the vehicles on the mainline which intend to enter the HOV lane must do so from a very low speed, disrupting the HOV lane flow. . . . When the mainline freeway is congested, vehicles have a difficult time entering and exiting the HOV lane. As a result, bottleneck conditions occur and vehicles queue behind these locations (Draft Final CSMP, pp. 186 and 191).

Whether with regards to HOVLs (including other managed lanes) and/or at all on-ramps where ramp speeds exceed merging GP-lane speeds, these problematic conditions would appear equally applicable at all access points when speed differentials exist between the managed and GP lanes. Although the proposed project seeks to address many of these existing conditions, the Lead Agency has sought to avoid acknowledging and analyzing remaining choke points, ignored the existence of new bottlenecks that the proposed project will create, and the project's potential to exacerbate existing bottlenecks (e.g., lane drops and ingress/egress into and from managed lanes).

Absent from the DEIR/S and SDEIR/S is any reference to the CSMP. In addition, the document includes no discussion of: (1) the project's relationship to and consistency with the CSMP; (2) Caltrans' "systems management plan" (e.g., "This framework aims to get the most of our transportation infrastructure through a variety of strategies, not just through the traditional and increasingly expensive expansion projects," Draft Final CSMP, p. 3) for the SR-22/I-405/I-605 corridor; (3) whether the proposed project will effectively eliminate the identified bottlenecks; and (3) the potential for the proposed project to cause or contribute to new bottlenecks based on the contributing causes described therein.

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7.4 Long Beach Area Traffic Study Technical Working Group

As indicated in material provided to the OCTA's Board of Directors on January 28, 2013 (<http://www.octa.net/pdf/4.22.13I-405PathForwardREVISED.pdf>), unspecified parties (likely Caltrans and OCTA) "[f]ormed the Long Beach Area Traffic Study Technical Working Group (TWG) (Orange County Transportation Authority, California Department of Transportation, Los Angeles County Metropolitan Transportation Authority, City of Long Beach, Gateway Cities Council of Governments. TWG agreed on parameters for a supplemental traffic study report."

The OCTA possesses an economic interest in the project (including any resulting revenues) and, as a result of its lack of impartiality, an inherent disinclination to increase entitlement costs, extend the entitlement schedule, or for its own consultants to find and disclose material defects with its own technical analyses. With a name "Long Beach Area Traffic Study Technical Working Group" and with no other representation by Orange County or its affected municipalities, it is not surprising that no supplemental traffic analysis in Orange County was recommended by the TWG or included in the SDEIR/S.

Absent from the SDEIR/S and STS are copies of any agendas, minutes, handouts, other materials considered by the TWG, and any discoverable writings stating the TWG's findings and recommendations. It is also not known whether their meetings (e.g., "Long Beach Area Traffic Study Technical Working Group on September 11, October 17, November 14, and December 12, 2012, and January 8 and February 13, 2013," p. 5-1; "A meeting was held in the field on March 15, 2012, to review potential impacts and avoidance and minimization/mitigation along 7th Street in the City of Long Beach. The field review was attended by representatives of OCTA, Caltrans District 7, and OCTA's consultant," p. 5-1) were publicly notice, whether those meetings were open to the general public and other affected agencies, whether the public and other affected agencies had an opportunity to participate in meeting discussions, or even the level of attendance by TWG participants. In the absence of that information, it is not possible to know the TWG's charter, the reasons supporting the group's composition, what questions the TWG were asked to answer, what supporting documentation was provided, and whether there existed any dissenting options and/or recommendations for an alternative analytical scope.

The substantive differences between the December 2012 STS and the June 2013 STS suggest the possibility of dissent among TWG participants, radically different understandings of the TWG's purpose and the issues that the TWG were tasked to answer, Caltrans' and/or the OCTA's subsequent rejection of many of the TWG's findings and recommendations, and/or attempts by Caltrans and/or the OCTA to conceal information concerning the nature and extent of project-related and cumulative impacts. As indicated in the December 2012 STS

[T]his Supplement contains four sections, numbered and providing additional traffic information on the four topics in the list below: (1) Alternative 3 Modified. Section 1 provides traffic analysis assuming truncation of the Express Lanes near the Euclid Street interchange. Alternative 3 Modified also includes an optional design of the Magnolia/Warner interchange that does not include braided ramps and a modification to the northbound merge of the direct connector from westbound SR-22 into the Express Lanes. (2) Alternative 1 Magnolia/Warner Interchange. Section 2 provides traffic analysis of design options for the Magnolia/Warner interchange that do not include braided ramps. (3) Operational Analysis Northbound Approaching I-605. Potential for operational difficulties northbound on I-405 at I-605 is analyzed. As the build alternatives approach the LA County line, the

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additional lanes proposed in each of the build alternatives continue into receiving lanes on branch connectors to SR-22/7th Street westbound and I-605 northbound. If more motorists desire to continue northbound on I-405 in LA County than the freeway can handle as the additional lanes exit to SR-22/7th Street and I-605, there is the potential for a bottleneck to occur. (4) Long Beach Area Traffic Study. Traffic changes in the Long Beach area along SR-22/7th Street, I-405, and I-605, at their local interchanges, and at nearby intersections due to the proposed build alternatives are evaluated. The study area includes Carson Street in the vicinity of I-605 which, in addition to the City of Long Beach, includes the Cities of Lakewood and Hawaiian Gardens (emphasis added) (December 2012 STS, p. i).

In contrast to the information presented in the December 2012 STS and CSMP, the June 2013 STS states: "This Supplemental provides traffic information to the areas north of the limits of the proposed freeway capacity enhancement in Orange County. The traffic information is the evaluation of the traffic changes in the Long Beach area along SR-22/7th Street, I-405, and I-605, at their local interchanges, and at nearby intersections due to the proposed build alternatives. The study area includes Carson Street in the vicinity of I-605 which, in addition to the City of Long Beach, includes Cities of Lakewood and Hawaiian Gardens. The objective of this evaluation is to determine the extent of any potential adverse cumulative traffic effects of the proposed project alternatives north of the limits of the proposed capacity improvements" (emphasis added) (STS, p. 1-1).

It is not known what is meant by OCTA's statement that "TWG agreed on parameters for a supplemental traffic study report." What was the nature of that agreement and how was that agreement documented? If an agreed upon work plan was established prior to the release of the Public Notice, why was information concerning the precise scope of that analysis not more thoroughly described therein (e.g., "The recirculation focus on new traffic information in the Long Beach area," Public Notice) so that parties suggesting a different or expanded scope could present meaningful recommendations thereupon? Because the December 2012 STS differs substantially from the June 2013 STS, which of those two diverse reports more precisely contains the "TWG agreed on parameters"? What written documentation evidences TWG's agreed on parameters? Did those parameters include anything approximating an "operational analysis" of I-405 Freeway traffic relating to "northbound approaching I-605" (as referenced in the December 2012 STS)?

As indicated in the OCTA's April 2013 Path Forward, the proposed project has been subsequently revised. Those revisions include, but may not be limited to, the following changes: (1) "eliminates braided ramps in City of Fountain Valley" (Alternatives 1, 2, and 3); and (2) "truncates express lanes at Euclid Street/Ellis Street, eliminates State Route 73 connector" (Alternative 3) (emphasis added). It appears that both of those changes were addressed in the December 2012 STS; however, none of the analysis relating to those changes has been included in the SDEIR/S and no record of those discussions presented in the June 2013 STS.

As required under Section 15020 of the State CEQA Guidelines, "[e]ach public agency is responsible for complying with CEQA and these Guidelines. A public agency must meet its own responsibilities under CEQA and shall not rely on comments from other public agencies or private citizens as a substitute for work CEQA requires the lead agency to accomplish." It is the function of the Lead Agency and not the TWG to determine the nature and extent of the technical analysis required under CEQA/NEPA. If the Lead Agency sought to delegate to other parties responsibility for the identification of defects in the DEIR/S, representation by a broader

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range of stakeholders should have been undertaken. As a result of the Lead Agency's delegation of its own obligations to another entity, the TWG's limited composition and representation, the exclusive Los Angeles County-based focus of the TWG, its apparent limited focus, and the substantive unexplained differences between the December 2012 STS and the June 2013 STS, the findings and recommendations of TWG and any technical studies resulting therefrom (inclusive of both the SDEIR/S and the June 2013 STS) cannot themselves be deemed indicative of the project's traffic and non-traffic-related analytical defects.

Pursuant to Section 21092.4(a) of CEQA: "For a project of statewide, regional, or areawide significance, the lead agency shall consult with transportation planning agencies and public agencies that have transportation facilities within their jurisdictions that could be affected by the project. Consultation shall be conducted in the same manner as for responsible agencies pursuant to this division, and shall be for the purpose of the lead agency obtaining information concerning the project's effect on major local arterials, public transit, freeways, highways, overpasses, on-ramps, off-ramps, and rail transit service within the jurisdiction of a transportation planning agency or a public agency that is consulted by the lead agency" (emphasis added). As defined in Section 21092.4(b) therein, "transportation facilities" includes major local arterials and public transit within five miles of the project site and freeways, highways, overpasses, on-ramps, off-ramps, and rail transit service within 10 miles of the project site."

In addition, as further indicated in Section 21104 of CEQA: "(a) Prior to completing an environmental impact report, the state lead agency shall consult with, and obtain comments from, each responsible agency, trustee agency, any public agency that has jurisdiction by law with respect to the project, and any city or county that borders on a city or county within which the project is located unless otherwise designated annually by agreement between the state lead agency and the city or county, and may consult with any person who has special expertise with respect to any environmental impact involved. In the case of a project described in subdivision (c) of Section 21065, the state lead agency shall, upon the request of the applicant, provide for early consultation to identify the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in the environmental impact report. The state lead agency may consult with persons identified by the applicant who the applicant believes will be concerned with the environmental effects of the project and may consult with members of the public who have made a written request to be consulted on the project. A request by the applicant for early consultation shall be made not later than 30 days after the determination required by Section 21080.1 with respect to the project. (b) The state lead agency shall consult with, and obtain comments from, the State Air Resources Board in preparing an environmental impact report on a highway or freeway project, as to the air pollution impact of the potential vehicular use of the highway or freeway" (emphasis added).

Although they have not been disclosed, Seal Beach believes that any comments submitted to the Lead Agency from the California Air Resources Control Board (CARB) and/or the South Coast Air Quality Management District (SCAQMD) likely raise substantive technical issues regarding the adequacy of the project's air quality analysis and an adequate technical response thereto would likely result in the introduction of additional "significant new information."

As defined in Section 15005(a) of the State CEQA Guidelines: "Must" or "shall" identifies a mandatory element which all public agencies are required to follow." Seal Beach believes that no such consultation occurred prior to the dissemination of the SDEIR/S. Because the SDEIR/S and June 2013 STS had already been completed prior to its release, Caltrans' Public Notice

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was not a solicitation for comments but merely an announcement that unspecified technical studies had already been completed and the SDEIR/S had already been prepared and published.

7.5 City of Long Beach Comment Letter

Despite the time and effort expended to produce the SDEIR/S, the concerns expressed by Seal Beach, its residents, and business community generally remain unaddressed. In clear contrast to Seal Beach's comments on the DEIR/S (as well as every other comment that was submitted by every other stakeholders in response to the release of the DEIR/S), Long Beach's 12-page comment letter (purported including as "Appendix A" in the SDEIR/S) not only received an early response but apparently predicated the preparation of both the SDEIR/S and multiple iterations of the STS. In making that distinction, the Lead Agency appears to categorize Long Beach's comments as exceptionally meritorious (e.g., "As a result of the comments received on potential traffic effects within the City of Long Beach, Caltrans prepared the Supplemental Traffic Study," p. 1-2) while concurrently categorize all other stakeholder comments as trivial, insignificant, and/or unsubstantial.

Although many of the comments and concerns raised by Long Beach may be similar to those presented by Seal Beach, the City's comments are neither acknowledged nor expressly addressed in the SDEIR/S. What was the nature of Long Beach's comments that singled only those comments out for special consideration while relegating all other comments to a separate CEQA/NEPA process (e.g., "Comments that are received on information provided in this Supplemental Draft EIR/EIS will be responded to, and these responses will be provided in the Final EIR/EIS for the Interstate 405 Improvement Project, along with responses to comments on the original Draft EIR/EIS" [emphasis added], p. 1-3)?

As indicated by the Lead Agency: "The new information and analysis presented within the Supplemental Draft EIR/EIS is based on the Supplemental Traffic Study, prepared in April 2013 in response to City of Long Beach comments on the Draft EIR/EIS (See Appendix A for a copy of the City's comment letter)" (p. 1-2). In actuality, the Lead Agency even misrepresents the document that purports to be foundational basis for the preparation of the SDEIR/S. Presented in "Appendix A" is a letter from Long Beach, dated January 31, 2013, submitted in response to the December 2012 STS. Long Beach's actual comment letter on the DEIR/S (which was not included in the SDEIR/S) is dated July 17-18, 2012 and is included as Attachment 4 (I-405 Freeway Improvement Project Letter and Memorandum) herein.

Among other things, the December 2012 STS and the June 2013 STS demonstrate that arterial roadways and intersections substantially removed (geographically) from the project's alleged "logical termini" will be significantly and cumulatively impacted by the proposed project. While focusing primarily on intersections located in Long Beach (i.e., "The study area includes Carson Street in the vicinity of I-605 which, in addition to the City of Long Beach, includes Cities of Lakewood and Hawaiian Gardens," STS, p. 1-1), based on the results of those analyses, Seal Beach believes that other non-analyzed arterials within the City and elsewhere will also be adversely impacted by the proposed project.

Representatives of the Lead Agency are invited to meet with the City's Public Works Director to identify those additional intersections within Seal Beach that will be adversely impacted by the proposed project and discuss Seal Beach's concerns relative thereto.

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The SDEIR/S expands the "study area" described in the DEIR/S and introduces the "Long Beach study traffic study area" (p. 3-3). The "Long Beach study area" is illustrated in Figure 3-1 (Long Beach Study Area) in the SDEIR/S and described as: "[1] I-405 from I-605 to Lakewood Boulevard; [2] I-605 from Katella Avenue to Carson Street; and [3] SR-22/7th Street from I-405 to Park Avenue. The study area includes all of the interchanges along I-405 and I-605 within the limits noted above, including arterial/ramp intersections and arterial/arterial intersections in the immediate vicinity of the interchanges" (p. 3-3). In contrast, the DEIR/S notes that "[t]he project study area is located within an extensively urbanized area of Orange County" (DEIR/S, p. 3.1.1-2) and "[t]he northern terminus of the proposed project is at the interchange of the I-405 and I-605 freeways" (DEIR/S, p. 1-24). It is, therefore, evident that both the geographic boundaries of the "study area" and the project's "logical termini" are no longer as represented in the DEIR/S. As a result, the totality of the CEQA/NEPA analysis must also expand, not merely that associated with traffic impacts at select intersections.

Similarly, if the proposed project is demonstrated to produce exogenous impacts extending to the north (thus warranting the introduction of a new "Long Beach study area" and predicated the preparation of the SDEIR/S and document recirculation), it must be equally assumed that those same external consequences and expanded area of potentially significant environmental impacts would also be evident to the south, east, and west of the DEIR/S' original "study area." No reference to, consideration of, or evaluation of the further expansion of the DEIR/S' original "study area" to the south, east, or west is, however, presented in the SDEIR/S (e.g., "The objective of the Long Beach Area Traffic Study is to determine the extent of any potential traffic impacts of the proposed project alternatives north of the limits of the proposed capacity improvements" [emphasis added], December 2012 STS, p. 4-1).

The inclusion of the "Long Beach study area" is nothing new. As illustrated (Source: OCTA, Interstate 405 Major Investment Study Final Report, February 2006, p. 8), a larger geographic area than that encompassing the SDEIR/S' original "study area" and the SDEIR/S' "Long Beach study area" was included in OCTA's MIS. In addition to the "study area" extending further to the north into Long Beach, it is noted that the MIS' depicted area also extends southward beyond the SR-55 Freeway (e.g., southern study area) and further east along the SR-22 Freeway (eastern study area).



As indicated in Long Beach's comments on the December 2012 STS:

Based on the fact that the Supplemental Traffic Study reveals significant impacts and the fact that the Gateway Cities model shows that the Supplemental Traffic Study impacts are under-represented, the [Long Beach] study area is inadequate. The significant impacts likely go further than the area that was studied, based on the analysis conducted by the City [of Long Beach]" (STS, Appendix A, p. 3).

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As evident by the SDEIR/S, the STS, and Long Beach's critique of the December 2012 STS, significant impacts (requiring mitigation) have been demonstrated to occur beyond the confines of the "study area" examined in the DEIR/S. Although part of the planning effort upon which the proposed project is derived, absent evidence that intersections within those areas do not warrant further investigation based on anticipated project-related and cumulative contributions to those intersections, those additional areas of potential impact which were identified in the MIS have been excluded from the CEQA/NEPA analyses.

The continuing and unaddressed fallacy of the DEIR/S and SDEIR/S is the Lead Agency's failure to examine the larger transportation "corridor" of which the proposed project is but a part, its fragmentation of proposed and reasonably foreseeable improvements to and in proximity of that corridor (e.g., 5-mile radius), the anticipated traffic diversion onto and from other linked freeways and arterials based on both the presence of HOTLs and congested GP lanes (e.g., "VMT can be expected to increase on I-405 under the build alternatives because freeway congestion would be reduced with a consequential reduction in diversion from the freeway to local streets, DEIR/S, p. 3.1.6-80), and continuing failure to fully address the on-site/off-site and direct/indirect environmental consequences of the proposed project.

While the Lead Agency's efforts to analyze arterial impacts in Los Angeles County are commendable, Caltrans continues to examine only a part of a larger problem by ignoring congestion and mobility-related issues beyond the project's stated "logical termini."

As indicated in the accompanying graphic, extracted from the "2012-2035 Regional Transportation Plan/Sustainable Communities Strategy" (SCAG, April 4, 2012) (Figure 2.6), with regards to the I-405 Freeway, the proposed "Express/HOT Lane Network" within the SCAG region does not terminate at the Orange/Los Angeles County border but continues northward to its northern linkage with the I-5 Freeway in the San Fernando Valley. Other linked freeway segments which have been ignored by the Lead Agency include the I-110 and SR-91 Freeways. Since "CEQA was intended to be interpreted in such a manner as to afford the fullest possible protection to the environment" (14 CCR 15003(f)), for the purpose of CEQA/NEPA compliance, the proposed project and both its direct and indirect impacts, must be examined in a broader regional geographic context.



The proposed project does not exist in isolation but is a component of the regional's existing and proposed HOTL network. With each new link, by repeatedly segregating that network into isolated component parts and ignoring their connectivity, contrary to CEQA/NEPA, Caltrans seeks to avoid a broader system-wide analysis of the larger environmental and socioeconomic consequences of this rapidly growing system. If the State refuses to conduct this analysis, what agency should then bear responsibility for the more comprehensive analysis required for environmental protection?

As posited in the Transportation Research Board's "Research Needs Statement" (posted on January 6, 2010) (<http://trb.org/dproject.asp?n=24742>) and as presented herein as an inquiry to the Lead Agency:

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High Occupancy Toll lanes are gradually becoming a mainstream congestion management strategy. Thus far, most of the HOTLs have been implemented as isolated projects. Some areas have begun to plan for HOTL networks. But little attention has been given to issues relating to transitioning HOTLs or HOTL networks to full system pricing environments. Will this mentality create potential problems later if full system pricing is ultimately where we are headed?

7.6 Fragmentation

By preparing a SDEIR/S addressing only "project-related traffic effects within the City of Long Beach" (p. S-1), the Lead Agency ignores other "new information" originating after the release of the DEIR/S (e.g., "The information and analysis within this Supplemental Draft EIR/EIS was not available during the circulation period for the Draft EIR/EIS," p. S-1) which also has direct and meaningful relevancy with regards to the proposed project and its CEQA/NEPA compliance obligations. That information includes, but may not be limited to, the OCTA's Board of Directors' selection of a LPA, issues raised by affected stakeholders in response to the release of the DEIR/S, new executive policies relating to greenhouse gas (GHG) emissions, and changes in State law relating to continuous access to HOVLS.

Other "recent actions" identified by the OCTA and presented to its Board of Directors on January 28, 2013 (<http://www.octa.net/pdf/1.28.12I-405ImprovementProjectUpdate.pdf>) include: [1] City of Long Beach request for re-circulation of DEIR/DEIS with revised traffic study; [2] Caltrans direction to re-circulate with revised traffic study; [3] Caltrans high-occupancy vehicle (HOV) lane degradation report; [4] LACMTA [Los Angeles County Metropolitan Transportation Authority] feasibility study to convert Interstate 405 HOV in LA [Los Angeles] County into high-occupancy toll lanes." With the exception of recirculation, none of these issues and related actions are either identified or addressed in the SDEIR/S.

Information concerning the Caltrans "District 12 HOV Degradation" study, as presented to OCTA's Board of Directors on April 8, 2013, is included as Attachment 3 (High-Occupancy Vehicle Degradation Study Powerpoint) herein. As illustrated therein, in Orange County, "HOV lane degradation" has been identified on Interstates 5 and 405 and on State Routes 22, 57, and 91. As a result, the condition is not unique to the I-405 Freeway.

Proposed improvements to the I-405 Freeway would divert traffic from or to other linked freeway segments and arterials (e.g., "VMT can be expected to increase on I-405 under the build alternatives because freeway congestion would be reduced with a consequential reduction in diversion from the freeway to local streets," DEIR/S, p. 3.1.6-81). Additionally, the I-405 Freeway has been shown to be an alternative route to the I-5 Freeway and other freeways and arterials for motorists in both Los Angeles and Orange County (e.g., "I-405 is considered a bypass route to the Interstate 5 Santa Ana/Golden State Freeway through Orange County," DEIR/S, Noise Study Report, p. 1). As a result, for the purpose of CEQA/NEPA compliance, the actual "study area" and the resulting environmental analysis must include all linked freeway segments. Although neither addressed in the DEIR/S nor in the SDEIR/S, "related projects" producing potentially cumulative impacts (e.g., "most of the reasonably foreseeable projects are primarily transportation improvements," DEIR/S, p. 3.1.1-9) include all identified degraded freeway segments within Caltrans' District 7 and District 12.

In addition, the OCTA notes that LACMTA has initiated a "feasibility study to convert Interstate 405 HOV [lanes] in LA County into high-occupancy toll lanes." Although no additional

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information on that study is presented, it is believed that the reference relates to an action by the LACMTA's Board of Directors on June 27, 2013 which directed LACMTA "staff [to] come back next month with a feasibility study on implementing a congestion pricing toll program for the 405 HOV lanes" (http://media.metro.net/board/recap/2013/recap_20130627rbm.pdf). Separate committee actions had occurred prior to that meeting.

Because it predicated a more corridor-wide analysis, the introduction of managed lanes on the abutting segment of the I-405 Freeway in Los Angeles County serves to substantially alter the nature of the CEQA/NEPA documentation and the potential environmental impacts associated with those linked activities. Even prior to the LACMTA's action, independent of its representation in the DEIR/S and SDEIR/S, for the purpose of CEQA/NEPA compliance, the project at hand constitutes the totality of the proposed improvements to the I-405 Freeway in both Orange and Los Angeles Counties.

The Lead Agency seeks to stifle discussion and public participation through the release of a SDEIR/S that focuses on only a very limited aspect of that project while concurrently ignoring other "significant new information" of direct relevancy. As indicated in the SDEIR/S, "[r]eviewers are requested to limit their comments to only information that is provided in this Supplemental Draft EIR/EIS. Comments that are received on information provided in this Supplemental Draft EIR/EIS will be responded to, and these responses will be provided in the Final EIR/EIS for the Interstate 405 Improvement Project" (pp. S-1 and S-2).

In light of the release of an incomplete and inadequate SDEIR/S (e.g., "traffic or transportation-related direct or indirect cumulative impacts are not anticipated, and no further cumulative impact analysis or additional measures are required," SDEIR/S, p. 3-93) and the withholding of critical information concerning the project's potential impacts (including "significant new information" removed from the December 2012 STS), the Lead Agency should not seek to hide behind self-imposed constraints on what, in the opinion of the Lead Agency, does or does not constitute an appropriate and acceptable comment (i.e., "comments on only information that is provided in this Supplemental Draft EIR/EIS"). The SDEIR/S and STS are wrong-headed in so many different ways and serve to further highlight the inadequacies of the DEIR/S.

7.7 December 2012 Supplemental Traffic Study

The December 2012 Supplemental Traffic Study provided greater detail relating to the impacts the interchanges, ramps, and intersections along the Orange County Corridor. In addition, Chapter 4 of this report included an analysis of the Long Beach Area. Both reports did not include the LOS analysis work sheets, The June 2013 Supplemental Draft EIR/RIS only provided Chapter 4 of the December 2012 report. The corridor information is a vital component of the EIR/EIS evaluation and provides an overview and the necessary mitigation measures to reduce the community impacts. The June 2013 document should incorporate the information an, discussions, and results from the December 2012 Supplemental Traffic Study report. As specified in Section 21061 of CEQA: "An environmental impact report is an informational document," the purpose of which "is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list the ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project." Inherent therein is the obligation of the Lead Agency to disclose all it can about a project's potentially significant environmental effects." As further specified in Section 21005(a) therein: "The Legislature finds and declares that it is the policy of the state that noncompliance with the informational disclosure provisions of

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this division which precludes relevant information from being presented to the public agency, or noncompliance with substantive requirements of this division may constitute a prejudicial abuse of discretion within the meaning of Sections 21168 and 21168.5, regardless of whether a different outcome would have resulted if the public agency had complied with those provisions."

Pursuant to Section 15151 of the State CEQA Guidelines: "Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure."

The SDEIR/S states that "[t]he new information and analysis presented within the Supplemental Draft EIR/EIS is based on the 'Supplemental Traffic Study Report - Long Beach Area' (Supplemental Traffic Study), prepared in April 2013 in response to City of Long Beach comments on the Draft EIR/EIS" (General Information About this Document). Notwithstanding its key role and relationship to the SDEIR/S, it is noted that no version of the STS was physically included as a component part of the SDEIR/S, "incorporated by reference" therein, or concurrently disseminated therewith. Based on the exclusion of that document, it is incumbent upon the Lead Agency to ensure that the SDEIR/S accurately describes the information, analysis, and recommendations presented therein, such that the two documents are consistent both in terms of content and conclusions. Clearly, that is not the case here.

Referencing the December 2012 STS: "The purpose of the Supplemental Traffic Study Report is to provide additional traffic information on the I-405 Improvement Project not included in the 'Traffic Study Report - San Diego Freeway (I-405) Improvement Project SR-73 to I-605' completed by Albert Grover & Associates in April 2011. These improvements [sic] were included as a result of public comments during the Draft Environmental Impact Report/Environmental Impact Statement circulation" (emphasis added) (December 2012 STS, p. i). No qualifier is used to limit or otherwise narrow the meaning of the term "public comments" therein. Similarly, no exclusive reference to only those "comments received on potential traffic effects within the City of Long Beach" (emphasis added) (p. 1-2) is included in that excerpt.

As indicated in the December 2012 STS, the following "topics" are addressed in that analysis:

- (1) Alternative 3 Modified - Section 1 provides traffic analysis assuming truncation of the Express Lanes near the Euclid Street interchange. Alternative 3 Modified also includes an optional design of the Magnolia/Warner interchange that does not include braided ramps and a modification to the northbound merge of the direct connector from westbound SR-22 into the Express Lanes. (2) Alternative 1 Magnolia/Warner Interchange - Section 2 provides traffic analysis of design options for the Magnolia/Warner interchange that do not include braided ramps. (3) Operational Analysis Northbound Approaching I-605 - Potential for operational difficulties northbound on I-405 at I-605 is analyzed. As the build alternatives approach the LA County line, the additional lanes proposed in each of the build alternatives continue into receiving lanes on branch connectors to SR-22/7th Street westbound and I-605 northbound. If more motorists desire to continue northbound on I-405 in LA County than the freeway can handle as the additional lanes exit to SR-22/7th Street and I-605, there is the potential for a bottleneck to occur. (4) Long Beach Area Traffic Study. Traffic changes in the Long Beach area along SR-22/7th Street, I-405, and I-605, at their local interchanges, and at nearby intersections due to the proposed build alternatives are evaluated. The study area includes

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Carson Street in the vicinity of I-605 which, in addition to the City of Long Beach, includes the Cities of Lakewood and Hawaiian Gardens. Each of the four sections is independent (emphasis added) (December 2012 STS, p. i).

As indicated in the DEIR/S: "An increase of PM emissions would occur if the project significantly increased ADT in the project area and at locations where there are more traffic delays. Traffic delays would occur at freeway segments and intersections where vehicles are accumulating and idling. It is unlikely that PM hot spots would be associated with the proposed project because local accumulation and delay of vehicles would be reduced by the project. . . [T]he project is not expected to cause an adverse effect with respect to localized concentrations of PM_{2.5} or PM₁₀ at any nearby sensitive receptor" (DEIR/S, p. 3.2.6-41). Because it is based on false assumptions, the resulting analysis likely underestimates, both in terms of magnitude and its presented conclusions, the project's actual air quality, GHG-emission, and global climate change impacts.

As indicated in the MIS, "[o]perational problems occur on the freeway, primarily because of physical bottlenecks" (MIS, p. 11-13). As further indicated in the DEIR/S, "[o]perational problems occur on I-405 primarily because of physical bottlenecks" (DEIR/S, p. 1-14) and, with regards to existing conditions, "[w]ithin the project corridor, three 'bottleneck' locations (i.e., where GP lanes terminate) occur, creating operational problems" (Ibid). Although they relate to different locations and are presented in the context of project-related benefits, the DEIR/S nonetheless recognizes that bottlenecks (e.g., "lane termination creates a bottleneck," DEIR/S, p. 3.1.6-101) and lane drops (e.g., "lane drops . . . creates peak-period backups of traffic on I-405," DEIR/S, p. 1-24) produce adverse and undesirable traffic conditions.

If, as represented, the SDEIR/S purports to have been prepared in response to comments from Long Beach (e.g., "The new information and analysis presented within the Supplemental Draft EIR/EIS is based on the Supplemental Traffic Study Report - Long Beach Area, prepared in April 2013 in response to City of Long Beach comments on the Draft EIR/EIS" [emphasis added], General Information about this Document), then it is surprising that the SDEIR/S fails to also more specifically address Long Beach's comments. As indicated in correspondence from Long Beach, included in Attachment 4 (I-405 Freeway Improvement Project Letter and Memorandum) herein, "[i]t remains unclear how the added lanes will transition beyond the Orange County line into Los Angeles County and the City of Long Beach. . . Proper evaluation of I-405 north of the Orange County/Los Angeles County line needs to be conducted to ensure that a choke point does not occur north of the Orange County/Los Angeles County line in the City of Long Beach."

Noticeably absent from both the SDEIR/S and from the June 2013 STS is any reference to "operational analysis northbound approaching I-605." Additionally, no justification is presented in the SDEIR/S or elsewhere supporting the Lead Agency's decision to eliminate from the SDEIR/S and June 2013 STS two additional "topics" included in the December 2012 STS (i.e., "Alternative 3 Modified" and "Alternative 1 Magnolia/Warner Interchange").

In correspondence from Jim Beil, OCTA's Executive Director to Sean Crumby, Seal Beach's Director of Public Works, dated June 25, 2013, OCTA stated that the northernmost segment of the I-405 Freeway in Orange County (in proximity to Seal Beach) "has the highest accident concentrations in Orange County." The Lead Agency's apparent attempts to "sanitize" the December 2012 STS becomes critical in light of both Mr. Beil's declaration and the following undisclosed "significant new information" from the December 2012 STS:

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The accident data above indicates that the prevalent cause of accidents along the freeway mainline is traffic congestion, resulting in rear end, sideswipe and hit object collisions. These accident types may be attributed to higher speed vehicles approaching a mainline chokepoint with slower/stopped vehicles, resulting in abrupt lane change and vehicles striking other vehicles or roadside objects. It also appears that in addition to the freeway congestion, heavy lane change activities could be possible factors in sideswipe collisions. According to the TASAS [Traffic Accident Surveillance and Analysis System], there is a higher frequency of sideswipe collisions near the I-405/SR-73 and I-405/SR-22/I-605 freeway-to-freeway interchanges where there are multiple lane change and lane continuity issues (Fact Sheet, p. 28).

An operational analysis was conducted of northbound I-405 as it approaches the Seal Beach Boulevard, SR-22/7th Street, and I-605 interchanges. The purpose of the analysis is to evaluate the potential for disruption of smooth traffic flow to occur in this area as the additional lanes proposed in the build alternatives are terminated. The additional lanes proposed in each of the build alternatives continue into receiving lanes on branch connectors to SR-22/7th Street westbound and I-605 northbound. If more motorists desire to continue northbound on I-405 into LA County than there is freeway capacity continuing northbound on I-405 into LA County, there is the potential for disruption of the traffic flow along I-405.

The analysis is limited to the general purpose (GP) lanes. The study area includes northbound I-405 from the SR-22 confluence near Valley View Street through the exit to I-605 northbound and traffic data were collected for that area. The study takes speed as the primary indicator of a disruption of the smooth flow of traffic. Based on the information presented in the [December 2012] Traffic Study in Tables 3.1.6-4 and 3.1.6-12, the GP lanes of I-405 within the study area are anticipated to be over capacity during peak hours in years 2020 and 2040 with or without the proposed project and operating at LOS F under severely congested conditions. Section 4 of this Supplement shows that I-405 north of the project limits is also anticipated to operate under heavily congested conditions. Accordingly, it is not possible to accurately assess peak hour congestion attributable to the termination of the proposed new lanes, because heavy congestion is anticipated to occur along the entire corridor during peak hours regardless of the proposed project (emphasis added) (December 2012 STS, p. 3-1).

During the AM peak hour in year 2040 Table 3.2 shows that there will be substantial disruption to traffic flow under all of the alternatives. Under the No Build Alternative speeds will decrease to as low as 49 mph, as low as 36 mph under Alternatives 1 and 3, and as low as 16 mph under Alternative 2. In general, the more lanes that are added by the build alternatives the greater the magnitude of the disruption to traffic flow in the Seal Beach Boulevard, SR-22/7th Street, and I-605 interchange area. . . . [S]lowing and substantial disruption in traffic flow is anticipated during the PM peak hour under Alternative 2. During the AM peak hour substantial slowing and substantial disruption in traffic flow is anticipated during the AM peak hour under all alternatives. The magnitude of the slowing and disruption in traffic flow is least under the No Build Alternative and increases with the number of additional general purpose lanes proposed under the build alternatives (emphasis added) (December 2012 STS, pp. 3-3 and 3-4).

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The above findings contradict the DEIR/S' assertion that "[t]he proposed project alternatives would relieve congestion and improve operational efficiency" (DEIR/S, p. 1-1) and the SDEIR/S' statements that "the project's contribution to adverse cumulative effects within the Supplemental Draft EIR/EIS study area at the affected locations would be minimized" (p. 3-93). Since "substantial disruption to traffic flow under all of the alternatives" will exist "north of the project limits," neither the project nor the designated "study area" can be demonstrated to have independent utilize and, therefore, individually and jointly fail to meet the standard for "logical termini." Segmenting a larger areawide problem, failing to actually remedy the condition that the project has been purportedly formulated to address, pushing or compounding congestion to the north (if not elsewhere), and scrubbing the SDEIR/S clean of critical information about the project's adverse environmental effects does not constitute a reasonable or supportable approach to congestion management and/or CEQA/NEPA compliance.

Because the above findings are limited to GP lanes and do not consider, either in isolation or as part of how those lane drops could further contribute to the impacts identified, other managed lanes, actual impacts will likely be greater than those already presented. Additionally, neither the DEIR/S / SDEIRS nor the December 2012 STS / June 2013 STS contain any "safety analysis" how or to what extent this project-induced "substantial disruption to traffic flow" would add to existing safety hazards "in the Seal Beach Boulevard, SR-22/7th Street, and I-605 interchange area."

As specified under "managed lanes engineering study requirements," as contained in Caltrans' "Updated Managed Lane Design" (April 7, 2011), "Section 149 of the Streets and Highways Code requires that competent engineering estimates be made of the effects of a managed lane on safety, congestion, and highway capacity prior to constructing such lanes. A traffic study shall be performed for all managed lane projects. This study shall be composed of an operational analysis and a safety analysis. The traffic safety analysis shall be performed by or approved by the district traffic safety office. This analysis will focus on the safety impact of the proposed improvements on operating conditions and collision potential by utilizing traffic and collision data and analytical tools and processes. This is especially important when the project proposes a change in the type of access" (emphasis added).

In recognition of the exclusion of important information presented in the December 2012 STS (e.g., "substantial disruption to traffic flow under all of the alternatives"), the information presented in the Fact Sheet (e.g., "The accident data above indicates that the prevalent cause of accidents along the freeway mainline is traffic congestion, resulting in rear end, sideswipe and hit object collisions"), Mr. Bell's declaration that "this section of I-405 has the highest accident concentrations in Orange County," and OCTA's rejection of Seal Beach's requested "design exceptions" purportedly for safety reasons (while concurrently granting itself eleven "design exceptions"), it is important that the required "safety analysis" become part of the STS and not be deferred to a later time when opportunities for public and agency review would be limited.

In light of Caltrans' approval of eleven "design exceptions" and the alleged "safety implications" of Seal Beach's request for additional exceptions allowing for the retention of the existing Almond Avenue soundwall, why has a "safety analysis" yet to be conducted? Specifically, what analysis has been conducted supporting Caltrans' and/or the OCTA's acceptance or rejection of those exceptions?

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The December 2012 STS concluded that, in the GP lanes, as northbound traffic along the I-405 Freeway approaches the Seal Beach Boulevard/SR-227th Street/I-605 interchanges, "slowing and substantial disruption in traffic flow" is anticipated during the PM peak hour under Alternative 2. During the AM peak hour substantial slowing and substantial disruption in traffic flow is anticipated during the AM peak hour under all alternatives. The magnitude of the slowing and disruption in traffic flow is least under the No Build Alternative" (emphasis added) (December 2012 STS, p. 3-1). When doing nothing (i.e., "No Build Alternative") is demonstrated to have a greater beneficial impact that implementing one or more of the Lead Agency's self-generated alternatives, it is not surprising that the December 2012 STS was materially altered prior to its subsequent release as the June 2013 STS.

The environmental consequences of "slowing and substantial disruption in traffic flow" are neither examined nor are those impacts disclosed in the SDEIR/S. Similarly, since no threshold of significance criteria are presented in either the DEIR/S or in the SDEIR/S (e.g., "Because Caltrans does not use threshold criteria for the determination of significance of impacts, discussion of the threshold criteria was removed from the document at the request of Caltrans environmental staff," STS, Response to Comments Matrix, Comments from Eduardo Amezcua in January 22, 2013 Email to Smilla Deshpande), no CEQA-based conclusions are or can be drawn with regards to the potential significance of those adverse conditions. Absence a quantitative, qualitative, or performance-based threshold of significance, the Lead Agency seeks to avoid the identification of significant environmental impacts, mitigation measures, and/or other actions that might avoid, reduce, rectify, or compensate for the "substantial disruption in traffic flow" which was identified by the Lead Agency but which has not been publically disclosed.

While clearly within its possession, with the release of the SDEIR/S, what remains unclear is why the Lead Agency fails to acknowledge this "substantial disruption in traffic flow" and why the Lead Agency consciously and knowingly elected not to release that information as part of the SDEIR/S. The Lead Agency must acknowledge that its own consultant (i.e., authors of the December 2012 STS) were the source of the operational analysis presented in the December 2012 STS. Although it may not like the information produced, Caltrans nevertheless has an obligation for full disclosure (e.g., cannot cherry-pick the information its own experts produce).

It is further noted that the December 2012 STS did not examine peak-hour conditions. As noted therein, "it is not possible to accurately assess peak hour congestion attributable to the termination of the proposed new lanes, because heavy congestion is anticipated to occur along the entire corridor during peak hours regardless of the proposed project" (emphasis added) (December 2012 STS, p. 3-1). As such, through fragmentation, the proposed project seeks to ignore the formulation of a more comprehensive system-based strategy addressing the peak-hour "heavy congestion" that occurs along the larger "I-405 Corridor," fails to present any alternatives that actually remedy that congestion, and does not present either a realistic or reasonable assessment of the project's potential impacts. It is the existence of peak-hour conditions that purports to be the basis for the introduction of HOTLs; however, based on the Lead Agency's own admission "it is not possible to accurately assess peak hour congestion."

7.8 Environmental Impact "Significance" Criteria

As mandated under Section 21002 of CEQA, "[t]he Legislature finds and declares that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen

the significant environmental effects of such projects" (emphasis added). Based on that requirement, a substantial component of any CEQA process is the determination of whether the magnitude and/or context of an identified impact results in that effect being deemed to be "significant." Similarly, with regards to the recirculated DEIR/S, a factual basis needs to be presented in order to distinguish "new information" from "significant new information." When the agency's threshold standards are not clearly articulated, determinations of "significance" are not possible and the resulting documentation cannot fulfill its primary CEQA purpose.

As noted in the City's comments on the DEIR/S, absent from the DEIR/S (and now again from the SDEIR/S) are concise threshold of significance standards which are clearly articulated so as to allow stakeholders the ability to independently consider and subsequently comment on the appropriateness of those or to suggest other alternative standards. It is only through the identification of qualitative, quantitative, or performance-based threshold criteria that: (1) it is possible to determine whether the proposed project will produce project-related and/or cumulative environmental impacts; (2) determine whether mitigation measures or other alternative implementation strategies need to be formulated in response to those environmental effects; (3) assess the level of significance of each impact following the application of mitigation measures or other actions; and (4) support CEQA's requisite findings.

In attempting to ascertain the Lead Agency's conclusions concerning the post-project level of significance of project-related and cumulative environmental effects, the same confusion exists with the STS as was previously noted with both the DEIR/S and the SDEIR/S. In the case of the STS, the confusion is compounded by both a change in vernacular and continued failure of the Lead Agency to describe its significance criteria (e.g., "The intersection does not meet the significant impact criteria and there are no significant traffic impacts at the intersection," December 2012 STS, pp. 1-9 and 2-3).

With regards to assessing the significance of the proposed project's traffic-related impacts, as noted in the December 2012 STS: (1) "Level of Service (LOS) is based on density (pc/mi/ln). The density LOS thresholds are different for the freeway mainline and collector-distributor roads. Refer to Table 2.1.3 for the LOS criteria" (December 2012 STS, Tables 1-6, 1-17, and 1-18); (2) "The density LOS thresholds for the freeway mainline are shown in Table 2.1.3" (December 2012 STS, Table 1-7); and (3) "The density LOS thresholds for the C-D roads are shown in Table 2.1.3" (December 2012 STS, Table 1-8). It is noted that no "Table 2.1.3" is, however, presented in the December 2012 STS. "Table 2.1.3" (Capacity Values for Merge Areas), as presented in the DEIR/S' "Traffic Study - San Diego Freeway Improvement Project, SR-73 to I-605, Orange and Los Angeles Counties" (Caltrans, May 2011) (May 2011 Traffic Study), includes no such "criteria."

As further noted in the December 2012 STS: "For the freeways, impacts are evaluated in terms of changes in level-of-service (LOS) and volume-to-capacity (V/C) or demand-to-capacity (D/C) ratios. For arterial intersections the City of Long Beach criteria are used to evaluate potential impacts. The City of Long Beach criteria are applied using the Highway Capacity Manual operational intersection analysis methods for signalized and unsignalized intersections. A signalized intersection operating with a LOS E or F and whose D/C ratio increases by more than 0.02 under 'with project' condition compared to No Build Alternative is considered [sic] exceeds the City of Long Beach criteria" (emphasis added) (December 2012 STS, p. 4-2).

The June 2013 STS notes that: (1) "The HCM method is the method recognized by Caltrans for intersection analysis. It was used for all intersection analysis in the Orange County portion of the

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study area in the original Traffic Study. For consistency, it is used in the Supplemental Traffic Study for the Long Beach area; and (2) "The Supplemental Traffic Study for the Long Beach area has been revised to set to threshold for action equal to or greater than an increase in an intersection's volume-to-capacity ratio of 0.20 when the project condition is LOS E or F. Because Caltrans does not use threshold criteria for the determination of significance of impacts, discussion of the threshold criteria was removed from the document at the request of Caltrans environmental staff" (emphasis added) (STS, Response to Comments Matrix, Comments from Eduardo Amezcua in January 22, 2013 Email to Smita Deshpande).

In lieu of "significance of impacts," the June 2013 STS substitutes the phrase "adverse effect" (e.g., "The objective of this evaluation is to determine the extent of any potential adverse cumulative traffic effects of the proposed project alternatives north of the limits of the proposed capacity improvements" [emphasis added], STS, p. 1-1). In addition, in lieu of a definitive criteria, the document states that "[a]dverse cumulative effects are evaluated through application of professional judgment to changes in level-of-service (LOS) and volume-to-capacity (V/C) ratios" (emphasis added) (STS, p. 1-2). Assuming that the difference between "adverse" and "significant" is only one of semantics and that the "professional judgment" of the study's authors is both transparent and consistent with common traffic engineering standards, the June 2013 STS concludes:

- With regards to Alternative 1: (1) "Alternative 1 does not have an adverse cumulative effect on any study intersections in year 2020" (STS, p. 4-9); and (2) "Alternative 1 does not have an adverse cumulative effect on any study intersections in year 2040" (STS, p. 4-9).

Although neither stated as "significant" nor "adverse" (conversely, not stated as being either "insignificant" or "not adverse"), with regards to Alternative 1, the STS identifies the following "over capacity" and "increase in D/C ratio" conditions:

- ◊ "The northbound and southbound I-405 HOV lanes within the project limits are anticipated to operate over capacity during the AM or PM peak hours under year 2020 Alternative 1 conditions with D/C ratios ranging from 1.16 to 1.41" (STS, p. 4-9).
- ◊ In what appears to be a typographic error (i.e., referencing "2020" rather than "2040"), the document further notes that "[u]nder Alternative 1 conditions for year 2040, the I-405 freeway mainline segments are projected to operate at either LOS E or F during the AM and PM peak hours in both directions. The northbound and southbound I-405 HOV lanes within the project limits are anticipated to operate over capacity during the AM or PM peak hours under year 2020 [sic] Alternative 1 conditions with D/C ratios ranging from 1.16 to 1.41" (STS, p. 4-6).
- ◊ "Table 4-13 presents a comparison of year 2020 No Build Alternative and year 2020 Alternative 1 operating conditions anticipated for the mainline freeway segments. The table shows that there is an increase in the D/C ratio from the No Build Alternative to Alternative 1 in many segments, with the range of increase in the GP lanes from 0.01 to 0.13 during peak hours and 0.02 to 0.18 in the HOV lanes. Higher levels of increase are generally found closer to the limits of the project improvements and diminish with increasing distance from those limits" (STS, p. 4-9).

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- ◊ "Table 4-14 presents a comparison of year 2040 No Build Alternative and year 2040 Alternative 1 operating conditions anticipated for the mainline freeway segments. The table shows that there is an increase in the D/C ratio from the No Build Alternative to Alternative 1 in many segments, with the range of increase in the GP lanes from 0.01 to 0.15 during peak hours and 0.02 to 0.31 in the HOV lanes. Higher levels of increase are generally found closer to the limits of the project improvements and diminish with increasing distance from those limits" (STS, p. 4-9).

- With regards to Alternative 2: (1) "Alternative 2 does not have an adverse cumulative effect on any study intersections in year 2020" (STS, p. 5-10); and (2) "Alternative 2 does not have an adverse cumulative effect on any study intersections in year 2040" (STS, p. 5-10).

Although neither stated as "significant" nor "adverse" (conversely, not stated as being either "insignificant" or "not adverse"), with regards to Alternative 2, the STS identifies the following "over capacity" and "increase in D/C ratio" conditions:

- ◊ "The majority of the northbound and southbound I-405 HOV lanes are anticipated to operate over capacity during the AM or PM peak hours under year 2020 Alternative 2 conditions with D/C ratios ranging from 1.04 to 1.46" (STS, p. 5-5). In what appears to be two typographic errors (i.e., referencing "2020" rather than "2040" and referencing "No Build" rather than "Alternative 2"), the document further notes that "[u]nder Alternative 2 conditions for year 2040, the I-405 freeway mainline segments are projected to operate at either LOS E or F during the AM and PM peak hours in both directions. The northbound and southbound I-405 HOV lanes within the project limits are anticipated to operate over capacity during the AM or PM peak hours under year 2020 [sic] No Build Alternative [sic] conditions with D/C ratios ranging from 1.06 to 1.58" (STS, p. 5-6).
- ◊ "Table 5-13 presents a comparison of 2020 No Build and 2020 Alternative 2 operating conditions anticipated for the mainline freeway segments. The table shows that there is an increase in the D/C ratio from the No Build Alternative to Alternative 2 in many segments, with the range of increase in the GP lanes from 0.01 to 0.10 during peak hours and 0.01 to 0.18 in the HOV lanes. Higher levels of increase are generally found closer to the limits of the project improvements and diminish with increasing distance from those limits" (STS, p. 5-11).
- ◊ "Table 5-14 presents a comparison of 2040 No Build and 2040 Alternative 2 operating conditions anticipated for the mainline freeway segments. The table shows that there is an increase in the D/C ratio from the No Build Alternative to Alternative 2 in many segments, with the range of increase in the GP lanes from 0.01 to 0.11 during peak hours and 0.01 to 0.32 in the HOV lanes. Higher levels of increase are generally found closer to the limits of the project improvements and diminish with increasing distance from those limits" (STS, p. 5-11).

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- With regards to Alternative 3: (1) "Alternative 3 does not have an adverse cumulative effect on any study intersections in year 2020" (STS, p. 6-10); and (2) "Alternative 3 does not have an adverse cumulative effect on any study intersections in year 2040" (STS, p. 6-10).

Although neither stated as "significant" nor "adverse" (conversely, not stated as being either "insignificant" or "not adverse"), with regards to Alternative 3, the STS identifies the following "over capacity" and "increase in D/C ratio" conditions:

- "The majority of the northbound and southbound I-405 HOV lanes are anticipated to operate over capacity during the AM or PM peak hours under year 2020 Alternative 3 conditions with D/C ratios ranging from 1.04 to 1.24" (STS, p. 6-5).
- "Under Alternative 3 conditions for year 2040, the I-405 freeway mainline segments are projected to operate at either LOS E or F during the AM and PM peak hours in both directions. The northbound and southbound I-405 HOV lanes within the project limits are anticipated to operate over capacity during the AM or PM peak hours under year 2040 Alternative 3 conditions with D/C ratios ranging from 1.02 to 1.34" (STS, p. 6-6).
- "The transition areas are anticipated to operate at a level of service similar to the level expected for the HOV and/or general purpose lanes in the vicinity of the transition area. The northbound transition area on I-405 from I-605 to the end of the HOV access is expected to operate at LOS F in year 2040. As shown in Table 6-8, the northbound GP and HOV lanes in the transition area on I-405 from I-605 to Studebaker Road are anticipated to operate over capacity (LOS F) during peak hours. In the southbound direction, Table 6-8 shows LOS E conditions in the GP lanes and over capacity conditions in the HOV lanes during the AM peak hour; over capacity (LOS F) conditions area anticipated southbound during the PM peak hour" (STS, p. 6-11).
- "Table 6-13 presents a comparison of 2020 No Build and 2020 Alternative 3 operating conditions anticipated for the mainline freeway segments. The table shows that there is an increase in the D/C ratio from the No Build Alternative to Alternative 3 in many segments, with the range of increase in the GP lanes from 0.02 to 0.34 during peak hours and 0.03 to 0.09 in the HOV lanes. Higher levels of increase are generally found closer to the limits of the project improvements and diminish with increasing distance from those limits" (STS, p. 6-10).
- "Table 6-14 presents a comparison of 2040 No Build and 2040 Alternative 3 operating conditions anticipated for the mainline freeway segments. The table shows that there is an increase in the D/C ratio from the No Build Alternative to Alternative 3 in many segments, with the range of increase in the GP lanes from 0.02 to 0.37 during peak hours and 0.03 to 0.10 in the HOV lanes. Higher levels of increase are generally found closer to the limits of the project improvements and diminish with increasing distance from those limits" (STS, p. 6-10).

In assessing potential project-related and cumulative impacts, the difference between "0.20" and "0.03" is substantial. In lieu of a single intersection standard, the Lead Agency notes:

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- June 2013 STS.** A 0.20 volume-to-capacity (v/c) threshold standard is identified in the June 2013 STS (i.e., "The Supplemental Traffic Study for the Long Beach area has been revised to set to threshold for action equal to or greater than an increase in an intersection's volume-to-capacity ratio of 0.20 when the project condition is LOS E or F" [emphasis added]. STS, Response to Comments Matrix, Comments from Eduardo Amezcua in January 22, 2013 Email to Smita Deshpande).
- DEIR/S.** The DEIR/S' May 2011 Traffic Study states that "[a]ll interchange signalized intersections and adjacent arterial intersections were analyzed using the Highway Capacity Manual based Level of Service methodology, including queuing. A criterion of an increase of (0.03) in the overall v/c ratios was used to identify potential significant traffic impacts of the project to the study intersections. This criterion was applied to intersections that were operating at LOS of E or F during the peak hours" (emphasis added) (May 2011 Traffic Study, p. ES-6).

It is apparent that, at least with regards to v/c ratio, the threshold of significance criteria presented in the SDEIR/S (0.03) and STS (0.20) differ substantially. No attempt has, however, been made to: (1) explain the use of differing criteria (e.g., separate Orange and Los Angeles County criteria); (2) discuss the potential merits and drawbacks of applying separate criteria to different geographic areas; (3) explain why the criteria of each affected municipality has also not been considered with regards to intersections within each agency's jurisdiction; (4) reconcile those differences so as to produce a cohesive and internally consistent document; and/or (5) consistently compare impacts in the DEIR/S' original "study area" and SDEIR/S "Long Beach study area."

Since motorists in Long Beach and motorists in communities in Orange County likely have the same (or similar) general aversion to and tolerance (or lack of tolerance) to congestion and travel delays and the same (or similar) expectations concerning the functionality of the region's transportation system, it seems unreasonable to suggest that difference standards should apply to different areas (e.g., Long Beach motorists should be provided a better performing street system that motorists in Orange County). Because the DEIR/S and the SDEIR/S are intended to be informational and internally consistent documents, an analysis based on the use of a single threshold standard should be presented so that relative magnitude of project-related and cumulative impacts can be consistently assessed.

It is noted that each of the affected municipalities have adopted local general plans containing individual "Circulation Elements" that define each locale's adopted performance standards. The Lead Agency has not previously sought to apply jurisdiction-specific threshold standards relating to impact assessment within each agency's corporate boundaries but has previously applied a single project-wide standard to the environmental assessment of the proposed project. If Caltrans now believes that a 0.20 v/c ratio (rather than the 0.03 v/c ratio presented in the DEIR/S) is, in fact, the appropriate standard, then the roadway analysis within the DEIR/S' original "study area" should be redone based on that higher performance standard.

It is not unreasonable for the Lead Agency to present multiple model runs based on differing performance standards. From those model runs, stakeholders can consistently assess impacts independent of jurisdiction and individual agencies can individually determine the standard most applicable within their corporate boundaries. Only by including a comparable analysis can an "apples-to-apples" comparison be provided throughout the project's multiple "study areas."

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7.9 Absence of Measurable Performance Standards

As indicated in the DEIR/S, "[t]he purpose of the proposed action is to: [1] Reduce congestion; [2] Enhance operations; [3] Increase mobility, improve trip reliability, maximize throughput, and optimize operations; and [4] Minimize environmental impacts and ROW acquisition" (emphasis added) (DEIR/S, p. 1-5). Terms like "reduce," "enhance," "increase," and "minimize" are not, in fact, objectives but only directional guidance relative to an existing point in time and space and offer no means of measuring or comparing actual performance (e.g., was congestion reduced by the amount desired?). A single vehicle's one second reduction in the amount of time required to traverse an arbitrarily established distance could support an agency's contention that it "increased" mobility. Unasked is whether than one second saving was: (1) the appropriate goal to start with; (2) whether the efforts and cost required to achieve that reduction were well expended; (3) whether a similar comparative benefit could be gained through less costly, less environmentally damaging, or more socially beneficial actions; and (4) whether the benefit horizon should be viewed from a short-term, mid-term, or long-term perspective.

Caltrans never defines (from a quantitative, qualitative, or performance-based perspective) either their specific horizon or the envisioned future that its proposed and alternative actions seek to accomplish. During peak periods, conditions on the I-405 Freeway are presently operating at level of service (LOS) "F." When the project is completed in 2020, level of service conditions will remain at LOS "F" (e.g., "much of I-405 within the project area operates and is expected in the future to operate at LOS F conditions," STS, p. 3-2). From most viewers' perspective, nothing will have changed (other than traffic speeds will be reduced for all but SOVs in the HOVL).

In what appears to be a direct contradiction to the assertion that "Caltrans does not use threshold criteria for the determination of significance of impacts" (STS, Response to Comments Matrix, Comments from Eduardo Amezcua In January 22, 2013 Email to Smita Deshpande), in "Smart Mobility 2010 - A Call to Action for the New Decade" (February 2010) (Smart Mobility) (http://www.dot.ca.gov/hq/tpp/offices/ocp/documents/smf_files/smf_handbook_062210.pdf), Caltrans states that:

Performance measures provide quantified evidence of the consequences of a decision or action. Performance measures are an efficient means through which to present key information for system users, managers and decision makers in an objective, concise and consistent format. Transportation performance measures forecast, evaluate, and monitor the degree to which the transportation system accomplishes adopted public goals and mobility objectives. Smart Mobility Performance Measures (SMPMs) demonstrate the relationship between integrated transportation and land use decisions and the consequent effects on the full range of economic, social, and environmental conditions. SMPMs are intended for use in decision-making at both the planning and the project level to evaluate progress toward implementing the principles of Smart Mobility and attaining Smart Mobility benefits. . . . SMPMs evaluate the degree to which Caltrans policies and planning decisions advance the six Smart Mobility principles: [1] Location Efficiency; [2] Reliable Mobility; [3] Health and Safety; [4] Environmental Stewardship; [5] Social Equity; [6] Robust Economy (emphasis added) (Smart Mobility, p. 50).

In order to facilitate decisions concerning public expenditures, the State's Statewide Needs Assessment notes that "[a]ccording to Caltrans, 'SMPMs are intended for use in decisionmaking

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at both the planning and the project level to evaluate progress toward implementing the principles of Smart Mobility and attaining Smart Mobility benefits" (Statewide Needs Assessment, p. 6-1). The SMPMs to be used in planning and project-level decisionmaking are included in the accompanying exhibit (Source: Smart Mobility 2010, p. 55; Statewide Needs Assessment, p. 6-2). Surprisingly, none of Caltrans' own SMPMs were included in the DEIR/S, SDEIR/S, or in the formulation or assessment of project alternatives.

Smart Mobility Performance Measures

Goal	Performance Measure	Recommended Metrics
Location Efficiency	1. Support for Sustainable Growth	Consistency with regional Sustainable Communities Strategy or Alternative Planning Strategy meeting regional performance standards. Comparison of alternatives based on acres of land consumed, and relative reductions in induced VMT through compact land use strategies, demand management, and network management.
	2. Transit Mode Share	Percentage of trips within a corridor or region occurring by bus, rail or by other form of high-occupancy vehicle.
	3. Accessibility and Connectivity	Number of households within 30 minute travel ride of major employment center, within 20 minute auto ride of employment, within walking distance of schools. Weighted regional travel time and cost among trip producers and trip attractors.
Reliable Mobility	4. Multi-Modal Travel Mobility	Travel times and costs by mode between representative origins and destinations, aggregated over corridor or region.
	5. Multi-Modal Travel Reliability	Day-to-day variability of travel times between representative origins and destinations by mode, aggregated over corridor or region.
	6. Multi-Modal Service Quality (Level of Service: LOS)	Mode-specific and blended LOS measures of pedestrian and bicycle accommodation and comfort, transit accessibility and reliability, and auto travel efficiency ¹⁰ .
Health and Safety	7. Multi-Modal Safety	Collision rate and severity by travel mode and facility, compared to statewide averages for each user group and facility type.
	8. Design and Speed Suitability	Conformance with guidance identifying suitable design elements and traffic speed with respect to mix of modes and adjoining land uses and area character ¹¹ .
	9. Pedestrian and Bicycle Mode Share	Percentage of trips within a corridor or region occurring by walking or cycling.
Environmental Stewardship	10. Climate and Energy Conservation	VMT per capita by speed range relative to State and regional targets ¹² .
	11. Emissions Reduction	Quantities of criteria pollutants and GHGs.
	12. Equitable Distribution of Impacts	Impact of investments on low-income, minority, disabled, youth and elderly populations relative to impacts on population as a whole.
Social Equity	13. Equitable Distribution of Access and Mobility	Comparative travel times and costs by income groups and by minority and non-minority groups for work/school and other trips.
	14. Congestion effects on Productivity	Time lost to congestion by trips that are economically productive and/or out-swing of essential mobility, measured as vehicle hours of delay (VHD).
	15. Efficient Use of System Resources	Additional VMT that are supported with economic productivity and/or out-swing of essential mobility compared with system expansion cost and impact.
Robust Economy	16. Network Performance Optimization	VHD per capita, per lane mile, per private vehicle mile, per freight vehicle mile, per through revenue mile, and in total.
	17. Return on Investment	Person miles and revenue per lane mile of road, per transit revenue mile and per dollar invested (from all public and private funding sources). Comparison of alternatives based on benefits per dollar invested relative to all system use benefits (new and improved), and to other Smart Mobility Performance Measures.

¹⁰ Typical resource: Transportation Research Board 2010 Highway Capacity Manual.

¹¹ Typical resource: Caltrans DD04 Complete Streets guidelines; ITE practices on Complete Streets Solutions.

¹² Targets set by California Air Resources Board under SB375. Rates of GHG emissions and fuel consumption both vary by speed range and trip type.

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As indicated in the California Transportation Commission's (CTC) "Statewide Transportation Systems Needs Assessment – Final Report" (October 2011) (Statewide Needs Assessment) (http://www.ctc.ca.gov/reports/2011Reports/2011_Needs_Assessment_updated.pdf): "The total cost of all system preservation, system management, and system expansion projects during the ten-year study period is nearly \$538.1 billion. . . The total estimated revenue from all sources during the ten-year study period is \$242.4 billion. This represents about 45 percent of the overall estimated costs of projects and programs that were identified in the needs analysis, and leads to a shortfall of about \$295.7 billion over the ten-year period" (Statewide Needs Assessment, p. 1-2).

Households living on limited budgets must make periodic decisions concerning how available monies are to be expended. Typically, expenditures for necessities and other criticalities receive the first priority with regards to those funds and desirous but non-essential items are often deferred. Anyone on a fixed budget understands the quandary of deciding the best use of available resources. Isn't it time that governmental entities, whose existence is dependent upon public proceeds, also ask the question "how do we get the 'best bang' for the buck?"

Since transportation-related needs will exceed available revenues at least in the near term, the funds that are available need to be effectively and efficiently expended. The Lead Agency's objectives to reduce congestion, enhance operations, increase mobility, improve trip reliability, maximize throughput, and optimize operations (DEIR/S, p. 1-5) need to be unitized so that, for each alternative, a comparative cost can be allocated to each "unit" of congestion relief, mobility, etc. Since each alternative carried a different price tag, as now presented, there exists no mechanism to determine benefits gains versus costs incurred.

7.10 Unreliable Performance Data

As indicated in a joint release by the FHWA and Caltrans in a recent Transportation Review Board (TRB) announcement (Request For Information On Managed-Lane Projects): "It is difficult to predict the impacts that changing HOV occupancy requirements may have on corridor performance because existing travel-demand models do not appear capable of predicting the numerous possible mode changes (e.g., shifts from HOV2 in HOV lane to two SOVs in GP lanes, etc.)" (FHWA and Caltrans, undated).

The performance expectation of Alternative 3, including ridership and LOS conditions within the proposed express lanes, are presented as if broad consensus exists as to the assumptions and methodologies presented therein. In reality, predicted performance is, at best, guesswork which can be easily manipulated based on the philosophic perspective of the party conducting or contracting for the analysis.

Absent from the DEIR/S and SDEIR/S is any indication of the possible variability of the data or declaration that actual performance may differ from the modeling. As indicated in "Impacts of Increasing Vehicle-Occupancy Requirements on HOV/HOT Lanes" (Caltrans, March 25, 2013) (http://www.dot.ca.gov/newtech/researchreports/preliminary_investigations/docs/HOV_and_HO_T_Lanes_Preliminary_Investigation_03-25-13.pdf): "California's high occupancy vehicle (HOV) lane network is heavily used, and portions of it are becoming congested during peak periods. To address this congestion, Caltrans is exploring several solutions: increased enforcement, bottleneck reductions, hybrid/BEV exclusions, raising the minimum required occupancy of vehicles using these lanes from two to three persons (from HOV2+ to HOV3+) and converting lanes into high occupancy toll (HOT3+) lanes. However, the likely impacts of these measures on

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corridor performance are not easy to predict since existing travel demand models do not appear capable of predicting the numerous possible mode changes (for instance, the possibility that increasing occupancy requirements will lead to more single occupant vehicles in regular lanes). Consequently, Caltrans is interested in conducting an investigation into the effects of raising HOV occupancy requirements or converting HOV to HOT lanes" (emphasis added).

In addition, agency expectations concerning revenue projections under Alternative 3 appear overstated. As indicated in the National Center for Transit Research's (NCTR) "Integrating Transit and Road Pricing Projects Final Report" (NCTR, June 2013) (http://www.dot.state.fl.us/research-center/Completed_Proj/Summary_PTO/FDOT-BDK85-977-43-rpt.pdf): "A misconception exists for some that when tolling is implemented, the HOT or express lanes will generate an extraordinary amount of revenue. Depending upon the cost of the project and the plan of finance, it is unlikely that the tolls will cover the capital and operating costs of the physical roadway elements" (emphasis added).

One not need look far afield to identify examples of local transportation agencies' failures to accurately predict post-project conditions (e.g., tolling revenues and ridership). As reported in the California Debt and Investment Advisory Commission's "Final Foothill/Eastern Transportation Corridor Agency Foothill/Eastern Toll Road Project – Proposed 2013 Restructuring Financial Advisor Evaluation" (July 3, 2013):

The [Foothill/Eastern Transportation Corridor] Agency was formed in 1986 as a joint powers agency by the County of Orange (the "County") and twelve cities in Orange County, California. The Agency was created to plan, design, finance, construct and operate the Foothill (State Route 241) and Eastern (State Route 241, State Route 261, and State Route 133) Toll Roads.

The Agency is one of two transportation corridor joint powers agencies established among the County and various cities within the County in order to plan, design, finance, construct and operate toll roads. While the Agency is administered by a finance, common staff with its sister Agency, the San Joaquin Hills Agency, all policy decisions regarding the Foothill/Eastern System are made by the Agency's Board of Directors, an appointed body of elected officials separate from the Board of Directors of the San Joaquin Hills Agency. The System provides an important connection between the Orange, Riverside, and San Bernardino Counties.

In the mid-1980s, two state laws were passed authorizing the Agency to collect tolls and development impact fees to fund road construction. With a pledged revenue stream from future tolls, the Agency issued toll-revenue bonds to fund road construction. The Agency also entered into a Cooperative Agreement with the California Department of Transportation ("Caltrans") to assume ownership, liability, and maintenance of the State Route 241, State Route 261, and State Route 133 Toll Roads as part of the state highway system. This agreement eliminates the need for the Agency to pay for road maintenance.

In 1995, the Agency issued \$1,262,750,597.70 in principal amount of its Toll Road Revenue Bonds, Series 1995A (Fixed Rate) and \$245,600,000 of Series 1995B-E (Variable Rate) (together the "Series 1995 Bonds"). The proceeds of the Series 1995 Bonds were used to finance a portion of the costs associated with the design of, acquisition of property for, and construction of, the Foothill/Eastern toll road.

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